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PUBLIC HEARINGS



Overview of the Second Round



Prepared for the Commission
by Michael Cassidy
Ginger Group Consultants



Royal Commission
on
Aboriginal
Peoples

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April 1993



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Introduction

The Royal Commission on Aboriginal Peoples held its second round of hearings across Canada from October 27 to December 10, 1992. Like the first round in the spring of 1992, these hearings were held mainly on reserves, in Métis and Inuit communities, or in friendship centres and similar locations in larger cities. They again covered the length and breadth of Canada, from reserves on the Canada-United States border to as far north as Rankin Inlet and Cambridge Bay, Northwest Territories, and from Gander, Newfoundland, to as far west as Old Crow, Yukon.

Over seven weeks the Commission heard from more than 600 individuals and organizations during 49 days of hearings in 36 locations. The Commission spent 7 days in Atlantic Canada, 17 days in Quebec and Ontario, 16 days in the West and 9 days in the Yukon and Northwest Territories. The dates and locations of hearings are listed in the appendix.

The structure of the hearings followed the pattern developed in Round One. The seven Commissioners divided into three groups in order to visit more locations; two or three Commissioners therefore attended each hearing, along with a Commissioner of the Day drawn from the local community. The Commissioners not only listened but often engaged in spirited discussion and questioning after intervenors had presented their briefs.

Each day's hearings generally began and ended with a prayer or short spiritual ceremony conduct-

ed by an elder, and on many days there were also drumming and songs offered by a local group. The Commission arranged for simultaneous translation in areas where Aboriginal languages were commonly spoken. Of the 1,461 intervenors the Commission heard from in Rounds One and Two, 269 made their presentations, in whole or in part, in an Aboriginal language.

For this round a number of hearings were organized as forums which the Commission described as mini-round tables and which brought together a number of participants to discuss a particular issue. These included mini-round tables on residential schools and on self-government and economic development at Fort Alexander, Manitoba; on resource development in Timmins, Ontario; and on youth, training and education in Halifax, Nova Scotia.

In Gander, Newfoundland, the Commission spent an entire day meeting with representatives of Indian bands from across the province, focusing on the single issue of their exclusion from recognition under the *Indian Act* as a result of the 1949 Terms of Union. The final week of hearings in Yellowknife, Northwest Territories, included a mini-round table on issues related to women; a well-attended public forum on self-government with Aboriginal and non-Aboriginal panelists; and a day of presentations and round table discussion with Aboriginal and non-Aboriginal students held at St. Patrick's High School. This occasion included a Dene drum dance held in the school gymnasium with students, Commissioners and staff all taking part. In the

same week another group of Commissioners focused on Métis concerns while visiting three Métis communities in northern Saskatchewan.

In November the Commission also held a three-day national Round Table on Aboriginal Justice Issues in Ottawa which brought together more than 90 Aboriginal and non-Aboriginal participants, including provincial attorneys-general, lawyers, judges, officials, academics, representatives of Aboriginal organizations, the Chief Commissioner of the RCMP and all seven members of the Royal Commission.

This overview reports the main themes and issues raised during Round Two of the Commission's hearings, using the words of intervenors wherever possible. It was prepared on the basis of transcripts and daily summaries of the hearings, briefs tabled at the hearings, personal attendance and round table summaries prepared by Infolink Consultants of Ottawa.

This overview is being published together with a second discussion guide on the issues before the Royal Commission. These documents are intended to give wide public access to results of the Commission's public consultations and to the development of its thinking on the issues in its mandate, as part of its commitment to public education and a broad public dialogue. They are also intended to assist intervenors preparing for the Commission's third and fourth rounds of hearings, which are planned for May and June and for the fall of 1993.

Inevitably there were overlaps between the concerns raised at this round of hearings and those put forward during the first round. This overview tries to reflect the overall content of the hearings but concentrates on material that is new and that responds to the questions that were put by the Commission in its discussion guide, "Framing the Issues". That guide and an overview of the first round of hearings were published in October 1992 to serve as the basis for interventions in the second round. More than 15,000 were distributed across the country.

The Second Round of Hearings

 The Commission's first round of hearings focused on the problems of Aboriginal people across Canada and their experiences of living under the domination of white society, government paternalism and the *Indian Act*. It exposed the pain and anger experienced by Aboriginal people, the dysfunctions in many Aboriginal communities, and the need for healing. It also demonstrated the strength of Aboriginal traditions, the revival of the culture and languages of Canada's First Peoples, and the signs of renewal and hope in their communities.

People who appeared at the first round of hearings raised issues that have had particular impact on Aboriginal people such as the experience of residential schools, the treatment of the High Arctic exiles in the Eastern Arctic, and the inexplicable disparities in treatment between different groups of Aboriginal peoples depending on their status or place of residence.

Intervenors asserted the desire of Canada's Aboriginal peoples to maintain their cultures, languages and traditions and to go back to their roots in search of their identity. The focus of the hearings was on Aboriginal rights, including the right of self-government, and on social issues and social services. Intervenors paid less attention to questions of economic development and natural resources.

The first round of hearings revealed a strong desire among many intervenors to eliminate distinctions based on status between different groups of

Aboriginal people and between status Indians living on and off reserves. Many intervenors expressed a strong desire for status-blind services that would provide improved social, education, health and justice services for Aboriginal people living in urban areas, but this view was not shared by Métis people in western Canada.

The present practices of the federal government were strongly criticized, particularly with regard to the *Indian Act* and the administration of the Department of Indian Affairs and Northern Development. This included government policy relating to land claims and self-government, the delivery of services to Aboriginal people, the Government of Canada's failure to fulfil its fiduciary responsibility toward Aboriginal peoples, and its failure to respect its treaty obligations to First Nations.

The hearings in May and June of 1992 laid the groundwork for further work by the Royal Commission by exposing the situation of Aboriginal peoples in Canada today, as they themselves perceive it.

It was the Commission's hope that the second round of hearings would begin moving from consideration of the problems facing Aboriginal people, to advancing solutions. Through a combination of new ideas and descriptions of actual experiences and programs, intervenors offered an extraordinary variety of models and positive approaches to the problems so vividly described in Round One. These models covered every aspect of the Commission's man-

date, though a great deal more was said with respect to land, natural resources and economic development than in Round One of the hearings.

At the core of almost every proposal made in Round Two was the desire of Aboriginal peoples for autonomy and the power to do things for themselves, and the perception that this could be achieved only through the creation of a new relationship with Canadian governments and with non-Aboriginal Canadians. There was a strong relationship in the minds of intervenors between the issues of self-government, respect for treaties, and the resolution of land claims. Few regrets were expressed over the defeat by referendum of the Charlottetown Accord.

This emphasis is reflected in the overview of Round Two. The material is organized to begin with the question of self-government, since this is clearly where solutions to the issues facing Aboriginal peoples in Canada have to begin, in the opinion of most intervenors at this round of hearings.

One of the features of Round Two was its emphasis on diversity. Once a framework is in place within which Aboriginal peoples can make their own decisions, they can move on to determine what kinds of services should be available in such areas as justice, health, education and social services and how these services should be provided. What they choose will depend on each community's circumstances and needs. Hence the discussion of justice, health, housing and social services, as well as economic development, follows the discussion of self-government in this overview.

In Round Two intervenors were more concerned with the final destination than with how the changes they proposed could be implemented and achieved. The task of resolving conflicting ideas about the future role of Aboriginal peoples in Canada, and determining how changes can be implemented, is a task that still lies before the Commission.

A good deal was said in Round Two about the need for reconciliation between Aboriginal peoples and the rest of the population of Canada, in many cases

by non-Aboriginal intervenors. Some of these comments are reflected in the final section of this overview. Non-Aboriginal participation reached 20 per cent in Round Two. As a matter of policy, the Commission is actively encouraging national and regional non-Aboriginal groups to participate in its next rounds of hearings.

Many of the issues raised touched more than one Aboriginal group. The desire for autonomy, for an adequate land base, and for economic development is shared by all Aboriginal peoples. The desire for equal treatment with other Aboriginal people is shared by women, by Métis, by non-status Indians, and by Inuit and status Indians living in urban areas or off reserves. This should be borne in mind in reading this report on the second round of hearings.

Self-Government

After the Referendum

The Royal Commission's second round of hearings was planned during the national referendum campaign on the Charlottetown Accord and began the day after the referendum took place. The Accord and the consequences of its defeat in the referendum were therefore an inevitable focus during the opening days of Round Two.

Reactions to the defeat of the Accord ranged from disappointment to relief, but for the most part interventions reflected dissatisfaction with either the Accord or the process that led to it. For several intervenors, the Accord did not respect the spirit and intent of the treaties. Some suggested it had tried to do too much and that Canadians needed more time to absorb and understand the constitutional changes proposed in the Accord.

Intervenors felt the defeat of the referendum made the Royal Commission's work much more important both in defining Aboriginal issues and in helping to arrive at solutions. As Tony John of the Glenwood Band put it in Gander, "You guys are the only chance." Among those who commented, the feeling was universal that Aboriginal peoples should continue to pursue their agenda despite the result of the referendum, and that this result did not affect the inherent right of Aboriginal peoples to self-government. Commissioners saw some value in the referendum debate because it had raised the profile of Aboriginal issues and helped to educate Canadians about these issues.

The feeling of disappointment was particularly evident in the Atlantic provinces, where most voters had endorsed the accord. In Tobique, New Brunswick, Chief Roger Augustine, President of the Union of New Brunswick Indians, said his people had high hopes that self-government was firmly within their grasp and termed the collapse of the Accord an "insulting rejection by the Canadian population."

Our hopes for the constitutionalized form of self-government have been hopelessly lost. Our hopes now lie on the side of the highway of progress, badly wounded, bleeding with the sap of anger and frustration. But we shall heal quickly and rise again to fight the battle which was forced upon us more than 500 years ago, when the Europeans crossed the mighty waters and invaded our territories. . . We shall break away from this reservation bondage and once again regain what was more important than anything else, our dignity, our self-confidence and our lands.

We entered the Charlottetown arena with open hearts and open minds. . . Now that we have been rejected in the area of compromise, we now take the next and perhaps more hazardous step. We shall act without the permission of the Constitution of this country.

Chief Augustine said that within days of the referendum there had been a distinct difference of attitude among non-Aboriginal officials working for the Department of Indian Affairs and Northern Development. "We were back in a flash to being

lowly Indians again, as the civil servants knew we had lost the potential power to someday control our destiny. The feeling in my heart, my soul, was anger."

On its first day in Saskatoon, the Commission was warned not to interpret the result of the referendum as a rejection of Aboriginal people. Gerald Morin, President of the Métis Society of Saskatchewan, noted the feeling throughout the country that the Aboriginal agenda cannot be put on the side burner for three or five years. He was one of several intervenors who urged the Commission to make a public statement to governments about what should happen now that the Charlottetown Accord had been defeated.

"If governments don't respond then the only way we can have our issues addressed quickly...is to resort to confrontational tactics...which will gain the attention of governments and Canadians," he said.

While some intervenors looked to the Commission to advance their concerns for self-government, others put priority on achieving self-government through the treaties, through direct self-government initiatives, or through comprehensive land claims. In Alberta, the High Level Tribal Council asked that the Commission encourage the federal government to maintain any negotiated policy changes that had been agreed to during the discussions leading to the Charlottetown agreement.

It was universally felt that the inherent right of self-government for Aboriginal peoples remained intact, even though the Accord had been rejected. As Chief Geraldine Kelly put it in Gander, the Charlottetown Accord would have recognized the inherent right to self-government, not created it.

In North Battleford, Saskatchewan, the Confederation of Tribal Nations went one step further, stating in its brief that

The emergence of a Third Order of Government, as called for in the Charlottetown Accord, is an inherent right already and indisputably given by virtue of the signing of the Treaties.

This Third Order of Government is an inherent right by virtue of the sovereign and autonomous status of all Aboriginal and Treaty peoples. [It] is a natural extension and expression of Third Nations' political, economic, social and cultural sovereignty.

In Cranbrook, British Columbia, speakers for the Lower Kootenay First Nation stated that regardless of the referendum's outcome, their nation intended to assume self-government and enact laws. This was also the position of the Nlaka'Pamux Tribal Council when it appeared before the Commission in Merritt, British Columbia.

Kathryn Fournier, a member of a Native Solidarity Circle at Toronto's Kingston Road United Church, expressed concern that the federal government would use the failure of the referendum to claim it no longer had a mandate to move on Aboriginal issues. Other intervenors urged that the federal government continue to work on Aboriginal issues despite the result. In Toronto, for example, the Anishnaabe Oway-Ishi argued that the federal government should not wait for constitutional renewal to do what the presenters saw as its moral duty.

While the Métis Society of Saskatchewan acknowledged that Canadians were suffering from constitutional fatigue, it nonetheless asked at the Saskatoon hearing for a quick amendment that would make s. 91 (24) of the Constitution apply to Métis people. The President, Gerald Morin, said such an amendment could be passed with the support of only seven provinces. Its adoption would permit the agreements embodied in the Métis National Accord, which were arrived at during the Charlottetown process, to proceed without further constitutional amendment through tripartite agreements involving the Métis, the federal government, and the provincial governments of Ontario and each of the western provinces.

As Mr. Morin explained it, the Métis would be permitted to file land claims if the proposed amendment – which was part of the Charlottetown Accord – allowed them the same treatment as other Aboriginal peoples. Section 35 of the *Constitution*

Act, 1982 treats land claims agreements as treaties. Hence the proposed amendment would provide constitutional protection for future land claims settlements and treaties negotiated by the Métis Nation.

The Right of Self-Government

Support for the concept of self-government was almost universal among Aboriginal intervenors in Round Two. They focused on the various models and approaches that might be adopted, rather than whether the concept should be adopted. Some non-Aboriginal intervenors had questions about self-government, particularly at a public forum held by the Commission in Yellowknife, Northwest Territories, but they too generally spoke in support.

The concepts of self-government put forward were intimately linked to the concept of land and the understanding of treaties held by Aboriginal peoples. It was generally held that the right of self-government was inherent and not something that could be given or taken away by the federal government or the Constitution – a position already endorsed by the Royal Commission on Aboriginal Peoples.

Intervenors linked self-government to demands for a more substantial land base than the existing reserves, and to the need for speedy settlement of outstanding land claims. They were concerned that the treaties be enforced and respected in the way that they were originally understood by the First Peoples who signed them, and, in a number of cases, saw the treaties themselves as providing the basis for implementing self-government.

One of the most comprehensive statements on self-government came in a brief from the Windigo First Nations Council, in Sioux Lookout, Ontario:

We have lived here for as long as our people can remember and beyond. For centuries we lived in and on this land without benefit of the organizational structures known as the government of Canada and the province of

Ontario. We have traditions, laws, morals and ethics, arts and music. We learned to live with the land and have become keen observers and practitioners of nature's laws and ways.

We learned to take our rightful place in the great scheme that is the Creator's world. We believe that the Creator meant us to live in the land, to care for the land and to respect all things in it or on it. Like Aboriginal people everywhere, we want to improve the standard of living for our people while preserving our heritage, culture and way of life. Our right to self determination comes from the Creator who supplied us with the means to survive in this land for ever.

The land is our life. As the First Nations of the land, we must be involved in every new land use or development from concept to operation to distribution of revenue....

With the failure of Charlottetown Accord, Aboriginal people are left once again without a voice in the governing of the country, and most importantly, without a voice in the policy and decision making processes which affect every aspect of our lives. Though the inherent right to self-government has been recognized by both the provincial and federal governments, this recognition is a meaningless gesture unless it is accompanied with appropriate recognition of our existing and continuing modes of governance.

Our First Nations have always been and continue to be self governing....Recognition is merely the removal of political blinders which have suited the ends of the federal and provincial governments. Our problem is not the invention of a form of governance. Our problem is establishing a relationship on how our systems can integrate with the current legislative framework governing these areas. These laws must accommodate our form of governance.

It is foolish to pretend that self-government can be practised without a land base and



resources to support the society and the administration of that society. Seventy nine square miles will not provide the resources needed to support the people of the communities. Our people will require more land to move forward in areas of tourism, forestry, fisheries, mining and other economic development activities which that First Nation wishes to pursue.

The Windigo First Nations Council's brief noted that at the present rate, self-government negotiations would not be completed before the end of the next century. "What are our people to do in the meantime?" they asked. "We will only be further deprived and degraded from our way of life."

The Council rejected the idea of self-government agreements to take over responsibility of federal and provincial government programs if these agreements could still be superseded by provincial and federal legislation.

We do not want a form of self-government that is subject to all the existing laws and policies of the federal and provincial governments, but one that co-exists equally and recognizes our needs. Self-government must be more than just self-administration but must encompass our form of laws and policies based on our culture and way of life.

Before we can proceed, the relationship with the federal and provincial governments must be corrected as based on our Treaty. The Treaty must be implemented in the spirit in which it was made from the viewpoint of our people. Our elders tell us that the agreement was to share the land with the newcomers, not to surrender it for a handful of beads and a few scraps of land.

In Kenora, Ontario, Chief Eli Mandamin, of the Shoal Lake Band, asked the Royal Commission to help breathe new life into the spirit and intent of the treaty relationship. This should include recognition that Aboriginal cultures are not inferior to non-Aboriginal culture, especially in relation to the land; that the spirit and intent of the treaty rela-

tionship is based on nation to nation relationships between First Nations and the government of Canada; and that there must be a form of pluralism in Canada that allows Aboriginal laws, traditions and customs to flourish.

Non-Aboriginal society consistently emphasizes the value of competition over co-operation. How do they think it will be possible to achieve a common vision for the land when there is such an emphasis placed on competition and individual interests and so little priority given to sharing, co-operation and responsibilities?...

The government of Canada came to our people thinking that we would sell the land for the payment of \$5 a year. This is totally opposite to our view of our Treaties....There couldn't have been a greater conflict of cultures in this regard if we had tried to make it.

The Government of Canada has consistently refused to recognize our historical relationships in our customary lands, yet these are central to our understanding of our Treaty relationship.

...non-Aboriginal governments have seen us as people who have merely subsisted on our lands. They have never recognized the complexity of our relationships to the lands and the sophistication of our resource stewardship practices.

...One way or the other, the white man will come to respect the Aboriginal culture and live in harmony and partnership with us. If the white man does not do this through negotiations now, he will be forced to do it through his own unsustainable way of life.

"The spirit and intent of the treaty relationship lay in the principles of mutual respect, consensus building and sharing," Chief Mandamin said. Generations of elders had taught that the essence of this relationship was "that we should be able to maintain our way of life in our ancestral lands. Hunting and fishing for food is only one small aspect of this relationship."

The Roseau River First Nation was one of several intervenors that put the question of self-government in the context of exercising sovereignty. One specific issue at Roseau River was the community's plan to set up a gambling casino that, in Manitoba's view, violates provincial laws.

Speaking for his community, Terry Nelson stated, "We in our community have made a decision that we cannot wait for the Canadian government. We cannot wait for the Province of Manitoba. We are going to exercise our rights of sovereignty that we have had all along."

The Roseau River First Nation never gave up its right to self-determination, he said. "We retain the rights that we had under Treaty. We retain our inherent rights."

This was also the position of the Confederation of Tribal Nations, who appeared at North Battleford, Saskatchewan. It argued that First Nations are sovereign powers and had been treated as sovereign nations, responsible for self-government in many areas, during the treaty negotiations. Their sovereignty had not been extinguished, even though it might have been ignored or even denied in the past.

At Big Trout Lake, Ontario, Garnet Angeconebe, speaking for the Independent First Nations Alliance, took issue with the concept that a society consists just of the state and of individuals.

Where are we in this scheme of things? We are not the Canadian state. Neither are we simply Canadian individuals. Our communities are not made up of a state and individuals. We are communities in the fullest sense of the word. We operate almost as a family where we all have obligations and rights....We do not punish; rather we seek to heal. Sharing is the basis of our land and resource use.

Our participation in the Canadian state is not as individuals. Our participation in the Canadian state is mediated through our own First Nations governments....Each First Nation retains its right to self-government....

The Commission also heard from Juliette Duncan, an 88-year-old elder from the Muskrat Dam First Nation who had been present when her Band signed the Treaty in 1929. She recalled what her grandparents had taught her when she was a child, 20 years earlier.

"There exists a government in this land who is supposed to look after the people under the sun," she said, speaking in the Ojibway language. "There are also Aboriginal people in existence plus elders that are self determining and they have their own form of government and how they look at their people and how they lead their people."

We have the same authority that was granted to non-Aboriginal governments, the same thing applies to Aboriginal governments. The Aboriginal people have a right to determine how they want to lead their people and their lives in their own government. This is what I was taught from the time I was five years old right up until I was ten years old. This is what I heard and what I was taught.

Peter Penashue, President of the Innu Nation, made the case at Davis Inlet, Labrador, that the Innu "are not subordinates to the federal and provincial governments" but that they had national rights and a land base that had never been extinguished. Innu self-government meant recognition that the Innu have a nation-to-nation relationship with Canada and a nation-to-government relationship with Newfoundland.

Only a few Aboriginal intervenors questioned the prevailing approach to self-government taken at the hearings to self-government. Brian Tuesday, who appeared at Kenora, cautioned that

self-determination is an expression of self-government, it is not the other way around. Self-government will not give us self determination. Self-determination can't be legislated, it can't be negotiated, and it can't be enshrined in the Constitution, because it comes from within: your own constitution, the very essence of our being, the Anishnabe.

Bruce Sakakeep, an elder from the Big Trout Lake First Nation, cautioned about nepotism and the potential for abuse of power by elected Aboriginal leaders and questioned whether Aboriginal communities had healed enough to pursue and implement self-government. He criticized the federal government for asking Aboriginal communities to decide on self-government in such a short time when governments had taken hundreds of years to create the mess.

At Ile-a-la-Crosse, Saskatchewan, Donald Favel, Chairman of the Northwest Drug and Alcohol Abuse Centre, argued that social development issues must be given priority even before steps toward self-government and economic development are taken. If this is not done, he said, Aboriginal peoples would have very dysfunctional self-government systems running their communities.

Charles Wagamese, of the Islington Band, was a bit sceptical when he intervened in Kenora:

Nationally, all across this country, all the reserve lands in Canada would fit into one corner of the Navajo Reservation in the United States. So when they talk about giving you the inherent right, and no new land rights, they mean you would be stuck with self-governing yourselves on the reserves. No wonder they would agree to that.

Views about self-government among non-Aboriginal intervenors were mixed, ranging from outright support to scepticism to clear opposition. Msgr. Gerard Drainville, the Bishop of Amos, who spoke at Val d'Or, Quebec, communicated the support of Quebec bishops in a pastoral letter made public in September 1992. The letter cited Pope John Paul's 1987 statement at Fort Simpson, Northwest Territories, in which he endorsed the claims of Aboriginal peoples for "the right to adequate territory, appropriate powers of decision, adequate authority in their areas of responsibility, and sufficient financial resources for the operation of their government."

At Maliotenam, Quebec, Msgr. Henri Goudreault, Bishop of Schefferville and Labrador City, also endorsed the right of Aboriginal peoples to self-government on their own territory. "Land is of primary importance," he said. "It is the manifestation of the providence of God, the basis of their traditional hunting and fishing economy, a source of subsistence and income and above all, a stable component of security, welfare and identity."

"Giving Aboriginal peoples the right to self-determination amounts to recognizing their right to exist as distinctive peoples. There is, clearly, no question of assimilation. Nor should they be considered as immigrants simply because they are ethnic minorities."

Msgr. Goudreault said the government's fiduciary role should also cease. Aboriginal and non-Aboriginal people should become equal partners, neither one inferior to the other, but it was hard to think that this could occur so long as Aboriginal peoples remain under the *Indian Act*.

Msgr. Goudreault found merit in the James Bay Agreement as a model for future development. He cautioned against "a hermetical sealing off" of Aboriginal territory to other citizens, a practice he said could lead to a series of "Bantustans", which nobody wants. The same caution was voiced by the Bishop of Amos.

Jeff Baldwin, speaking in Saskatoon, for the Catholic Organization for Development and Peace, spoke strongly in favour of enshrining a definition of Aboriginal rights in the Constitution that would include the right to self-government, a just solution to land claims, and negotiations on a nation-to-nation basis. Alexa McDonough, leader of the NDP in Nova Scotia, spoke in Halifax of her party's support for self-government but also noted that more education needs to occur.

Also at Maliotenam, Denis Perron, an MNA and spokesperson for the Parti Québécois (PQ), said that his party would develop a Quebec constitution in

collaboration with First Nations, that Aboriginal land claims and self-government should be settled by negotiation without extinguishment of rights, and that a PQ government would respect the treaties and other existing rights of Aboriginal peoples.

In Whitehorse, Margaret McCullough, Executive Director of the Yukon Human Rights Commission, stated that recognition of the inherent right to self-government is a necessary precondition for the equality of Aboriginal peoples. The Saskatchewan Human Rights Commission took a similar position at the hearings in Saskatoon.

Author Boyce Richardson, who appeared at Maniwaki, Quebec, was also supportive. "Perhaps an act of reconciliation would be a good idea to establish that we are heading into a completely new relationship," he said. "But...such an act must provide for the handing back to Aboriginals of the powers over their own lives that all other Canadians enjoy and the resources they need to build viable lives as communities enjoying the benefits of life in the modern state of Canada."

It is no mystery why many Aboriginal communities are having such a difficult time, or why so many Aboriginal people are disoriented. The reason is that for 200 years they have been subjected to a deliberate attempt to destroy their economies, cultures, religions, beliefs and ceremonies, using the *Indian Act* as the instrument of destruction.

At Maniwaki, John Harker, Canadian representative for the International Labour Organization, drew attention to the ILO's Convention 169 relating to Indigenous and Tribal Peoples, which the ILO adopted in 1989. The convention calls for respect for traditional ways of life and legal systems within the framework of national and international law, along with respect for land rights and traditional occupations. He suggested that the convention be used as a possible guideline for treatment of Aboriginal issues and urged that the provinces be pressed for support so that Canada could subscribe to it.

In Yellowknife, the Commission organized an evening round table on self-government that illustrated how differently some non-Aboriginal Canadians perceive this issue. The discussion left some room for solutions that both sides might be able to live with, but there were no clear conclusions to guide the Commission.

Alison Blackduck, a student representing the Native Women's Association of the Northwest Territories, put the Aboriginal case succinctly: the question was not whether self-government should be instituted, but when and how. "No single government can grant it – it comes from the people." She foresaw, however, that the creation of self-government should be done gradually and with co-operation of non-Aboriginal people.

The non-Aboriginal panelists and people who took part from the floor, on the other hand, had many reservations and questions and looked for limited change. While supporting individual rights, they were uneasy about the recognition of group rights that they saw flowing from Aboriginal concepts of self-government. As one put it, the approach of self-government would lead to an institutionalized apartness based on racial and cultural divisions. It would be better, at least in the Territories, to proceed with the concept of public government already in place.

Former Fort Smith Band Chief François Paulette's position reflected the stand taken by many Aboriginal representatives from treaty First Nations at the second round of hearings: self-government should reflect the arrangements that existed when the treaties were signed. The treaties signed by his ancestors and the Crown were agreements between nations. Treaties are international instruments defining a territory, a government, a culture, a political body and an economy. Aboriginal nations entered into treaties based on friendship and peace, but the government slipped "surrender" of Aboriginal lands in to its version of the agreement.

Treaties have constitutional protection that supersedes the *Northwest Territories Act*, Mr. Paulette

said. The people in the treaty First Nations should have a bilateral relationship with the Crown and should be in charge of their governing bodies.

Chief Gerald Antoine of the Fort Simpson Band also supported treaty rights and called for a bilateral relationship with the federal government. He cited the Supreme Court's conclusion, in the Paulette case, that the Dene people are *prima facie* owners of their land and retain Aboriginal rights, including the right of self-government.

The non-Aboriginal panelists expressed reservations about the implications of self-government in terms of its impact on non-Aboriginal Canadians and its costs. They urged caution in moving to self-government and questioned how it would be accommodated within the existing political system.

Robert MacQuarrie, a former member of the Northwest Territories Legislative Assembly, disagreed with the concept of collective rights for Aboriginal peoples and entrenching self-government as an unqualified inherent right. He argued that if self-government were to be entrenched, its authority should be confined to a specific geographical area, equivalent to a band or tribal level, at which it was exercised in history. If the majority of Aboriginal people believed that self-government was the answer to the many problems they face, then he would reluctantly support it.

Don Scott, a former Manitoba legislator now working in Yellowknife, questioned the claim to sovereignty now being put forward by Indian bands and their claim to be exempt from federal or provincial laws in such areas as gaming. "I don't think we can have a government with 500 sovereign governments within," he said, because of the potential for continuing disputes.

Pat McMahon, a fourth-generation northerner and Mayor of Yellowknife, said research was needed on the impact of self-government and land claims settlements on the existing political system. If self-government cost too much, it would lead to a tax revolt.

Mayor McMahon noted that in the Territories, there were already large numbers of Aboriginal people in community governments and in the Legislative Assembly. She asked whether self-government was not already a reality in the Territories.

René Fumoleau, a Catholic priest, talked about his experiences in France during the war. People still went about their daily lives, but did not have self-determination while under German occupation. Things were well controlled, but they wanted to be free. He said people are fooling themselves when they say they do not know what self-government means. As the Dene had put it at the time of Treaty 11 in 1921, it means to "live our own lives in our own way on our own land."

Elsewhere, several municipal representatives expressed concern about the impact of self-government on Canadian municipalities and noted the desire of the Federation of Canadian Municipalities to take part in future negotiations on self-government and Aboriginal land claims. One of the concerns raised by Claude Cantin, Deputy Mayor of Quebec City, was whether lands lying within municipal boundaries would be considered as Aboriginal territory and how Aboriginal laws would be harmonized with municipal laws and policies.

At Timmins, Ontario, Don McKinnon, a non-Aboriginal prospector, gave an extensive critique of Aboriginal self-government. He objected to the concept because of higher taxes and the creation of another level of government when Canadians are already over-taxed and over-governed. He maintained that there had been too little consultation with non-Aboriginal residents of the North and that Aboriginal self-government must be spelled out in precise terms with respect to its costs, powers and areas of jurisdiction before being implemented. The fate of non-Aboriginal people must also be determined in advance of any signed agreement.

Mr. McKinnon questioned whether the western theory of government based on individual rights could co-exist with the Aboriginal theory of a com-

munal base or collective rights. As a northerner he expressed concern about the future for non-Aboriginal people in northern Ontario and about how the promised expansion of a land base for Aboriginal people in the region could affect non-Aboriginal people who had homes or property.

The Commission should endorse the concept of multiple use of natural resources, he said. "I am prepared to share with others but I will not be pushed off my land or out of the North."

Concern was also expressed by the Musqueam/Salish Park Residents' Association, whose members occupy trailers on land leased from an Indian band on a reserve in Vancouver. Their concern focused on recent decisions by the band council to tax trailer park residents directly and to cut off services previously provided by the city of Vancouver. The Association said self-government was ill-conceived and ill-defined and urged that the rights of non-Aboriginal people living on designated land be protected. Otherwise they would be in the position of having taxation without representation.

Approaches and Models

Through the second round of hearings the Commission was exposed to a wide variety of models and approaches to self-government. These reflected the diversity of Aboriginal communities and such factors as geography, history, tradition, leadership, and how actions by governments had affected different communities.

At the Toronto hearings, David Newhouse, an Aboriginal professor of Native Studies at Trent University, urged the Commission to focus on the principles of self-government and to leave the details up to Aboriginal people. Previous commissions looked at doing things for people; what is needed now "is assisting people to do things for themselves, and that is a much different approach than I think has been tried in the past."

Professor Newhouse saw a number of profound changes in Aboriginal societies, many flowing from

the influence of western European institutions. These included urbanization; a renewed focus on traditional world views, values and customs; the rapid emergence of new social, economic and political institutions; the assertion of individual and collective control over the structures and processes of everyday Aboriginal life, or self governance; the reinforcement of individual and collective identities based on traditional cultural groups; and the move from oral to written or textual forms of cultural transmission.

Professor Newhouse said modern Aboriginal societies "will be a blend of modern western and traditional Aboriginal societies. It can be no other way." The central institutions of Aboriginal life would primarily be western – but adapted to be appropriate to Aboriginal cultures. He foresaw a blending of the nuclear family and democratic structures with Aboriginal decision making based on consensus.

"We must recognize that Aboriginal cultures are not static," Professor Newhouse said. "They do not exist under glass but are ever changing in response to influences from within and without....As Aboriginal societies blend their traditions with western European ways, the processes and institutions which arise will be varied."

No single model would prevail, he said, but it was important to ensure that Aboriginal individuals and communities had control of the structures and processes of their everyday lives so they could get the balance right.

There was general agreement that merely transferring administrative authority to Aboriginal peoples was not enough. As Chief Bentley Cheechoo put it at Sioux Lookout, Ontario, "if [we are] given only administrative authority of programs and services and not the policy, decision-making ability, the net result would be just administration on a grander scale. This is hardly self-government."

"Our problem is not the invention of a form of governance," he said. "Our problem is establishing a relationship on how our system can integrate with the current legislative framework governing

these areas. These laws must accommodate our form of governance."

At Wendake, Quebec, Johanne Robertson of the Montagnais Cultural and Education Institute said that after 500 years

it is high time to recognize and to respect reciprocally our linguistic, cultural, spiritual, political, social and economic differences. First Nations are looking at the same thing that all people on earth aspire to, that is, their autonomy, language, culture, development and their territory.

A similar message came from George Rich, Vice-President of the Innu Nation, at Davis Inlet:

Our right to Innu government...entitles us to the same rights as any other Nation state in the world; namely the right to control our land and resources and to decide how any land and resources should be used and to reap the benefits of our decided uses. It means the right to use our language, to practise our own spirituality, to establish our own institutions, and to live and preserve our culture. Innu government means the right of Innu to be self-determining now and for the many generations of Innu to come.

Intervenors made a number of suggestions about the role the federal government should play in the transition to Aboriginal self-government. Some intervenors wanted the federal government to enact legislation establishing the Aboriginal right to create their own institutions and deliver their own services. Some wanted federal recognition of Aboriginal sovereignty; others recommended amendment of section 88 of the *Indian Act*.

At Cranbrook, British Columbia, however, the Blood Nation argued that self-government agreements within the existing constitutional structure would limit their nation's ability to practise self-government. This view was echoed at Merritt, British Columbia, where the Nlaka'Pamux Tribal Council spoke of a transition from the *Indian Act* to a self-governing constitution but stated that the federal government had no role in the development or rat-

ification of their constitution. Other intervenors also took this approach, including the Roseau River First Nation.

Specific Proposals

Many intervenors provided specific details of their approach or the approach of their community to self-government. In some cases these proposals were based on extensive consultations with the community; others were based on research into traditional models of governance that are now being revived.

One of the most extensive proposals for self-government, put forward by the Huron-Wendat Nation, resulted from a lengthy consultation by a commission on the nation's future. As outlined by Grand Chief Jocelyne Gros Louis at Wendake, Quebec, the proposal called for maintenance of rights given by the *Indian Act*, provision of the legal and financial means needed for a proper choice of society, and recognition of the rights flowing from the 1760 James Murray Treaty in a contemporary context. This Treaty of Alliance had been drawn up with the Hurons shortly before Britain took control of New France.

Grand Chief Gros Louis said the Huron Nation should be compensated for its loss of assets and rights, or they will have no other alternative but to exercise their rights over their traditional territories. These territories include large areas of Quebec, including portions of what are now Quebec City and Sillery.

The specific recommendations included a Huron-Wendat constitution that would include a charter of rights and provisions for the election of governments and a council of elders; authority over citizenship of members of the nation; jurisdiction over foreign trade, taxation, planning, commercial law, labour relations, social services, housing, and education; protection against taxation by other governments, and reciprocal accords with other First Nations relating to social services.

In another presentation put forward at Wendake, Chief Rémy Kurtness of the Conseil des Montagnais

du Lac St-Jean outlined his nation's proposal to exercise self-government and sovereignty in its traditional territory of Nitassinan, a large area of the Quebec interior lying north of Chicoutimi. This model included ownership of traditional lands; full political autonomy; the right to determine membership of the nation; and exclusive control over all activities – social, cultural, community and economic – in Montagnais territory.

Self-government could not be exercised over the existing Montagnais reserve because it is not large enough or viable, Chief Kurtness said. He acknowledged that the size of the Conseil des Montagnais du Lac St-Jean land claim, which covers approximately 66,000 square kilometres, would scare people in Quebec and proposed that the land claims negotiations be carried out in public so that people could be convinced that it was valid. The Conseil des Atikamekw et des Montagnais claim stretches to the Labrador border, where it is continued as land claimed by the Innu Nation.

At Davis Inlet, George Rich, of the Innu Nation, linked Innu self-government to the comprehensive claims process. He called for constitutional amendments that would withdraw the application of federal and provincial powers to the Innu Nation and thereby recognize the Innu claim to sovereignty. The Innu are willing to discuss sharing their land and resources and to agree on various institutions of government, he said, but are no longer willing to accept the colonial oppression of governments in taking control of Innu lands and resources without consent.

The Innu seek the right to be self-determining on their own lands with an adequate resource base and control of those lands and resources, he said. They want adequate jurisdictions to run their own institutions and social services; adequate finances derived from their lands and resources; and compensation for past and continuing illegal use of their lands and resources.

The Innu brief disputed Newfoundland's refusal to discuss resource, water and royalty issues in land claims negotiations. It proposed that the comprehen-

sive claims policy of Canada and Newfoundland be changed to provide for a moratorium on all development and licensing of activities in the territory under claim unless there is consent by the Aboriginal people.

Disputes arising during land claims negotiations should be settled in an independent, jointly appointed tribunal rather than in a court established by one of the governments, he said. Good-faith negotiations require a political as well as a technical component, and to this end there should also be a political table where federal and provincial ministers and Aboriginal leaders could meet on a regular basis to consider issues referred to them by the technical negotiators.

At North Battleford, Saskatchewan, the Confederation of Tribal Nations outlined a plan for a rapid transition to make First Nations a full "Third Order of Government" within a 36-month period. This would include the creation of fiscal transfer arrangements similar to those between the provinces and Canada to permit resources, land, health, education, taxation and fiscal powers to pass to First Nations control.

Eric Burt, Executive Director of the Confederation, emphasized that it wished to avoid any form of delegated authority or "quasi-municipality" status where the federal government maintained control over the structure and content of programs and services. As First Nations began to assert control in different areas, the federal government would no longer be obliged to provide services and would have vacated the field, he said.

The source of authority for First Nations to act as autonomous nations springs from the collective will of their members, he said, as well as the international recognition that Aboriginal peoples are distinct self-determining entities, the recognition of Aboriginal and treaty rights in the 1982 Constitution, and the treaty relationship of different First Nations with Canada.

Another comprehensive proposal for self-government was put forward by the Atikamekw Nation at

Manouane, Quebec. The President of the Nation, Simon Awashish, outlined the Atikamekw plan for self-government and exclusive jurisdiction within their territory. The proposed structure would be federal, with certain powers exercised by the Atikamekw Nation and others by its three communities.

Mr. Awashish said that financing should come from grants, transfers, resources and that capital revenues and the territory should be divided on a clan basis. The proposal required a land agreement that would permit control of the ancestral territory and its resources. Some of the land base would be devoted to traditional activities and some would be used for modern economic development.

Ernest Ottawa, vice-president of the Atikamekw-Montagnais Council, argued that Aboriginal peoples should not have to accept extinguishment of their rights in order to reach land claim settlements. Sufficient legal certainty could be achieved without extinguishing Aboriginal rights through mechanisms of co-management of territories and resources based on a true partnership. The Atikamekw preferred the approach of co-jurisdiction to the alternatives of extinguishment or complete First Nation jurisdiction over their ancestral territory.

Chief Jerry Fontaine of the Sagkeeng First Nation emphasized the need for a grassroots form of participatory democracy during the hearing at Fort Alexander. Sagkeeng had embarked on a process that sought to define Aboriginal and treaty rights through the eyes of elders, men, women and youth. The Anishnabe government model emphasized citizen participation, involvement, consensus, and the reintroduction of a traditional form of government. It also includes regular quarterly meetings with the community and the use of referendums on major issues such as a recent proposal to invest in a nearby paper mill.

Like other models, the Sagkeeng proposal called for full legislative and policy-making powers. "The power to establish economic and industrial development, land and resource use, social development, child and family welfare, justice and the legal system,

education, health and financial policies must be legislated by ourselves and no one else."

Chief Fontaine also proposed the creation of an Anishnabe government commission composed of 13 commissioners representing the provinces and territories, or based on the numbered treaties and those territories without treaties. Each commissioner would be elected by Anishnabe of a particular province or region.

Chief Lawrence Henry of the Roseau River First Nation presented a comprehensive position paper on self-government that called for strengthening the bilateral relationship between First Nations and the Crown and proposed a "mutually beneficial Confederation based on the concept of shared but equal sovereignty". It proposed that First Nations have jurisdiction over their peoples, lands, resources and governments within their traditional territory and lands. As sovereign peoples in the international community, First Nations would seek to re-establish the First Nations' presence in the world community of nations.

The Roseau River First Nation proposal was based on the legal status of bands as signatories to the treaties, but it also provided a role for Tribal Councils and First Nations. It called for an extensive bilateral process involving First Nations and governments to resolve treaty issues and to develop framework agreements for the application of self-government in different areas of jurisdiction. All areas occupied by government would be open for discussion, with the priorities to be set by the First Nations. Individual bands would be free to determine their own political forms of governance.

This proposal was tabled but not discussed at the hearing. However another spokesman, Leonard Nelson, described the clan system of government to which the Roseau River First Nation had returned in 1991. He described it as a holistic system or way of life with the Ojibway name of *bemodezewan*. Under it, he said, "the clan system is a social order. The clan system is a justice system. The clan system is a government. The clan system is an extended family unit."

Self-government is difficult to describe, he said, because it includes "a way of life and its total inclusion of religious rights, social rights, government rights, justice rights, and the use of the family as a system by which we live."

When the white person came here, he didn't see a justice system, he didn't see laws, he didn't see the extended family, he didn't see the social order, because they were all in one. They were all-inclusive. They were not separate from the people.

In Roseau River, disputes are settled through the clan system, Mr. Nelson said. "Yes, we have disputes. That is what negotiation is all about, settling disputes. It is creating harmony within the community....We are devising a system whereby we can attain consensus on all issues."

At Merritt, Chief Robert Pasco of the Nlaka'Pamux Tribal Council described the Nlaka'Pamux Constitution, which was adopted originally by their nation in 1879 but rejected by the federal authorities. This constitution provided for the creation of a council to include the Indian agent, the head chief, chiefs of the several tribes and 13 councillors – to be elected by the entire nation. It provided for decisions to be made by consensus rather than by majority vote; allowed for taxation; proposed a seat of government that would move through the territory; and set up a land registry system.

Chief Pasco said the *Indian Act* should be seen as a phase in the transition to self-government. The Nlaka'Pamux title and rights belonged to the whole nation and were communal even if exercised by individuals. His nation did not see the federal government as having a role in the development and ratification of their constitution; it would be an act of sovereignty that did not depend on federal approval or agreement.

Speaking for the Kelly Lake Community at Fort St. John, British Columbia, Cliff Calliou put forward a community-based model of self-government with an emphasis on controlling education, social services, health services, and justice. He put special

emphasis on re-establishing traditional values centred on the family, including control of child and family care and child welfare services. Women should take strong leadership roles.

The Kelly Lake Community is not recognized as a band by the Department of Indian Affairs and Northern Development and does not have reserve status. Mr. Calliou said the community is in the same situation as the Lubicon Cree Nation in Alberta, but that it was looking for treaty adhesion with Treaty 8 along with a resource base and a reserve.

At Yellowknife, the Honourable Stephen Kakfwi, Northwest Territories Minister of Justice and Aboriginal Affairs, said the territorial government acknowledged the inherent right of Aboriginal communities to self-government. He put forward three options: to continue with the present system of government; to move to one system of public government that all can live with; or to create exclusive Aboriginal institutions while maintaining public government for the rest of the population. Public government is understood in the Northwest Territories as a government representing all of the population rather than one particular group. He said Aboriginal peoples in the Northwest Territories have more options in charting their future than elsewhere because there is no provincial order of government and because economic development and non-Aboriginal migration into the Territories have been limited.

Mr. Kakfwi said that even with an Aboriginal majority in the territorial legislature, the territorial government could not create solutions that met the needs of the communities. In its perspective, Community Transfer Initiatives and the evolution of community government were the key to greater self-determination for Aboriginal peoples. Under the Community Transfer Initiative, programs are being transferred to communities on a negotiated basis along with the financial resources to pay for them. When this is done, communities have the right to reallocate dollars between programs.

Mr. Kakfwi noted that with the desire of Treaty 8 and 11 nations to pursue their objectives through

renegotiating their treaties, special arrangements would be needed to recognize the rights and interests of Métis in treaty regions.

Henry Zoe, speaking for the Dogrib Treaty 11 Council in Yellowknife, outlined a model of self-government in which all authority resided in individual communities on their traditional lands. If power was given to any other level of government, it was because the Dogrib had agreed to give it up – and they could take it back. In his words, authority would be delegated from the community level to the regional and territorial levels of government. Solutions should be holistic and be based on self-government, self-sufficiency and self-management.

Mr. Zoe said that conflicts that could result from having a band council and a municipal council governing the same territory should be avoided. For that reason the Dogrib had set up a community council, to deal with municipal questions in Rae Edzo, that consisted of the band council with the addition of non-Dene representatives.

He noted the problems that Aboriginal people had experienced under non-Aboriginal governments. “We will make mistakes,” he said. “But they will be less painful than suffering the consequences of other people’s mistakes.”

Like other intervenors, the Dogrib were opposed to the federal requirement that extinguishment be a precondition for negotiating comprehensive land claims in the Northwest Territories. Nonetheless they had concluded that the gains from a land settlement in terms of royalties, funding and control over resource management were sufficient to accept an extinguishment provision. They were also feeling pressure to settle their claim because of the diamond rush over their traditional territory.

The question of extinguishment was also raised by Clem Paul, speaking for the Yellowknife Métis Council, an independent Métis organization. He said that in order to have self-government you must have land, but to have land the federal government required that Aboriginal groups accept extinguishment. Groups that accepted that condition were

heavily favoured, while those that did not believe in giving up land were pushed aside. Governments were insisting on extinguishment first because they did not want a recurrence of the issue that led to the collapse of the Dene/Métis Accord.

Dene National Chief Bill Erasmus focused on the issue of extinguishment in his presentation. He noted that Aboriginal rights had been recognized in the 1982 Constitution, yet the government was insisting that his people give up those rights.

Chief Erasmus asked the Commission to make interim recommendations to address the issue of extinguishment. He urged that land claims negotiations take place outside of government in order to avoid a situation like that faced by the Dene. There should be a table at which treaty rights like health services, tax exemption, and the rights to hunt and fish could be discussed.

He noted that in the Northwest Territories, non-Dene people were a secondary issue except within municipalities. Nonetheless the notion of one government for all was becoming harder and harder to achieve. The Dene were exploring as an alternative the development of self-governing components on a regional basis, with separate bureaucracies and governing systems. If extinguishment was not required, however, the Dene would be prepared to discuss issues such as joint jurisdiction and the exercise of sovereignty in a new arrangement with Canada. In this case they would be prepared not to exercise certain rights, such as having their own currency or army.

Several Métis intervenors appearing at Ile-a-la-Crosse, Saskatchewan, proposed a more limited model of self-government for northern Saskatchewan, an area where there is a Métis majority. Bernice Hammersmith of the Métis Society of Saskatchewan proposed a form of public government that would be similar to the territorial governments in the Yukon and Northwest Territories. This government would take over certain areas of federal or provincial jurisdiction or occupy them concurrently. While Métis people would begin as a

majority, their representation would need to be protected in case they became a minority.

As an alternative Ms. Hammersmith proposed a form of regional government to touch areas in the region outside of municipal jurisdiction. This government would administer provincial planning and development legislation as well as hunting and fishing regulations and zoning. It would also be responsible for regional administration of economic development, resources, education, health and other areas agreed to by communities in the region, with resources controlled by the community rather than the province. She said the concept was similar to the local control of zoning and other issues exercised by municipal governments in the rest of the province. She suggested a pilot project to test this concept, perhaps using Ile-a-la-Crosse as a base.

Mayor Buckley Belanger of the village of Ile-a-la-Crosse, offered a model of self-government based on the existing municipalities in his region of northern Saskatchewan and said this system should be protected and enhanced in any negotiations. He noted that 90% of the mayors of the 14 municipalities in the area were Aboriginal and that their populations were largely Aboriginal. The transition into a Métis self-governance system would therefore not be difficult. This approach was also endorsed by Max Morin, Area Director for the Métis Society of Saskatchewan.

At the hearing in Fort Alexander, Manitoba, two representatives from the Manigotagan Community Council, Buzzie Phillips and Rudy Simard, submitted a detailed proposal for Métis self-government involving federal acceptance of responsibility for Métis people, the negotiation of a land base, and control of resources within a wider resource boundary, including the right to retain royalties at the community level. They proposed that decisions about land leases and purchases on Métis land be made by local governments and that moneys received be retained locally.

At Slave Lake, Alberta, Ken Noskey, President of the Métis Settlements General Council, provided an

overview of the Métis Settlements, which he described as a framework for "quasi-self-government." The eight Métis Settlements have a 1.25-million acre land base for Métis people in the province. The Settlements were established in 1934. In 1987, the province and the eight settlements agreed to a new Métis Settlements Accord which included a \$310 million fund for implementation and administration over a 17-year period.

Mr. Noskey said that all Métis people in Alberta are eligible to be members of a settlement. The land is being used for economic development as well as farming. The agreement with Alberta also allows the Métis to benefit from providing surface access to resource companies, along with the right to co-management of subsurface resources. Each settlement has a Council, and all eight settlements make up the General Council. Mr. Noskey noted the need to provide a viable and long-term economic base.

The Commission was particularly interested in the Métis Settlements Appeals Tribunal, established as part of the agreement with Alberta. This Tribunal is a quasi-judicial body empowered to settle disputes about membership, land dealings, surface rights and any other matter where the parties involved agree to let the Tribunal resolve the issue.

Another group that appeared at Slave Lake, the Community of Faust, said it had already established a District Council composed of representatives from Treaty Indians, Bill C-31 reinstated Indians, a displaced Indian band, Métis and non-Aboriginal people. It wanted this structure to be recognized and given the power to assess industry in the area in order to raise local revenues. The Faust delegation expressed concern that Aboriginal communities are excluded from regional decisions in their area, even though they are a majority, and that the province had established a board that could fund farmers in the area but had no comparable funding for community services.

At Gander, the Federation of Newfoundland Indians (FNI) called for self-government on a province-wide

basis in preference to having it for each community. However, its priority was that the Indian people of Newfoundland be recognized as status Indians under the *Indian Act*.

The precise form of Aboriginal self-government for Newfoundland was not specified at the Gander hearing. However, Tony John of the Glenwood Band, who organized the FNI presentations, suggested in a written proposal that there be further research on Micmac occupation, use and governance on the island as well as on the effect on Micmac homelands and political rights of the acceptance, by the Chief of the Newfoundland Micmacs, of the Treaties of 1726 and 1752.

Chief Geraldine Kelly of the Miawpukek Band, in Newfoundland, spoke of the traditional Micmac government system of the “Santé Mawiomi” (Grand Council) and said her band wished to affirm its traditional institutions. She said the Grand Council had an organizational structure that maintained customs of land tenure, order between members and relations with peoples outside the community.

In Gander, Chief Victor Muise, of the St. Georges Indian Band, spoke of the need for a form of self-government for off-reserve communities in Newfoundland that would give them access to funding, infrastructure, training programs, counselling services, resource management and a land base. The Native Council of Prince Edward Island, speaking at Halifax, also proposed that there be an off-reserve Aboriginal government, which in its case would cover the entire province.

One of the issues raised by the Commission in its discussion paper, “Framing the Issues”, was the degree of authority that Aboriginal governments might have over non-Aboriginal people living in their territory. The problems that this relationship could raise were illustrated in the submission by the Musqueam/Salish Parks Residents’ Association, a group representing some 210 families living in two leasehold communities on Musqueam Indian Reserve No. 2 in Vancouver.

Recent changes in the *Indian Act* and in band council by-laws had led to a situation that the Association described as taxation without representation. After many years of paying taxes to the city of Vancouver on their homes and receiving services from the city, the non-Aboriginal leaseholders were now having to pay taxes at a higher rate to the Musqueam Band, despite having no representation on the band council. They were being denied certain services such as social assistance and home care both by the city and by the band.

Shelley Nitikman, President of the Association, noted that a similar problem could exist on leased Aboriginal land in many parts of Canada and called for protection of non-Aboriginal leaseholders. “Surely in a democratic society we cannot be subject to Indian self-government and left without a vote,” he said. He also recommended the creation of a joint council to administer the leasehold area with a provision to settle disputes by binding arbitration.

Treaty Rights and Land Claims

Questions related to treaties and treaty rights, land and land claims received more attention during the second round of hearings than any other issue. These questions were closely intertwined with the issues of sovereignty, self-government and self-determination in the positions put forward by Aboriginal intervenors. There were frequent references to the need to honour the original intent of treaties, including the pre-Confederation treaties and – in the case of New Brunswick Indians – the Doobier Treaty of 1725.

At Big Trout Lake, Ontario, the Commission’s hearings took place just a short distance away from where First Nations in that area had signed their treaty in 1929. Chief Frank Beardy, whose grandfather, Sampson Beardy, had signed on behalf of the Muskrat Dam First Nation, recalled how the decision to sign came about. His story reflected the

opinion of many intervenors that the treaties should be interpreted on the basis of how they were understood by First Nations people at the time of signing.

Chief Beardy contended that his people had been coerced into signing the treaty. At the time, he said, the clan structure of the Big Trout people had been decimated because of diseases, and Indian people were already being harassed by conservation officers implementing game laws made at Queen's Park and Parliament Hill.

These were the circumstances that led his grandfather to request that the people of Big Trout Lake sign a treaty with the Crown. The people who signed the treaty in 1929 did not know that they were actually adhering to the James Bay Treaty Adhesion of 1905.

When the treaties left Ottawa [the Commissioners] were told that the package that they were to take to the people of Big Trout Lake was not to be changed in any shape or form. The government says that they came in here to negotiate with us – the treaty that was signed. I don't think any nation in the world would call that negotiations.

Chief Beardy recalled that when the Treaty Commissioners came, they did not bring translators. Instead they used two white people who could barely speak the language – an Anglican missionary and a Hudson's Bay worker. Chief Sampson Beardy "yelled out what was said by the Commissioners through these two white people who were translating for them."

The Commissioners made a lot of verbal agreements...the people heard the Commissioners make certain promises to them and those promises sounded really good. The clause of: 'As long as the sun shines, the river flows and the grass grows' was the clause that our people homed in on and they said our mother, the Queen, our father, the King, will look after us. They didn't say anything

about the land being taken. They agreed to share the land.

The spirit and intent of the treaty from which we want to work with the two levels of government is based on how our elders wanted that Treaty to be. That is to live in peaceful co-existence with the white man and to share the beautiful gifts of the Creator. In this day and age it also means to go into shared arrangements on how these resources are to be utilized.

Peter Havlik, Director of the Treaty 8 Tribal Association, gave a similar account of the treaty process at Fort St. John, British Columbia. He contended that the Treaty Commissioners knew what they were promising and knew the First Nation understanding of what was being promised, but that this message did not find its way to Ottawa.

The Commissioners...were merely salesmen, and they had their instructions, their marching orders from Ottawa to negotiate the treaties so that the west could be thrown open for settlement....Their understanding of it was that it was a surrender of the Aboriginal title....The First Nation understanding is totally different from that because they were told something completely different from that in the course of the negotiations.

Chief George Desjarlais of the West Moberly First Nation, who also appeared at Fort St. John, put the treaty relationship in these words:

We are treaty people. Our nations entered into a treaty relationship with your Crown, your sovereign. We agreed to share our lands and territories with the Crown. We did not sell or give up our rights to our land and territories. We agreed to share our custodial responsibility for the land with the Crown. We did not abdicate it to the Crown. We agreed to maintain peace and friendship among ourselves and with the Crown.

At Maniwaki, Quebec, Chief Jean Guy Whiteduck of the Kitigan Zibi Anishinabeg Council outlined a

view of the significance of the land that was common to many Aboriginal intervenors.

The land to us is sacred. We are part of the land. As mentioned by our elders, we don't own the land. The land is there for our use. It is to supply us with the things that we need to survive.

We feel there is no need for extinguishment. We feel that asking Aboriginal people to extinguish their rights would be equivalent to asking Canadians to give up their Canadian citizenship. Therefore that is why it is so difficult when it comes to dealing with the comprehensive claim policy for many of our people.

This view was echoed by George Rich of the Innu Nation in his brief, presented at Davis Inlet:

Most importantly, Innu government will nurture and promote Innu use of our land. To live on our land for periods of time throughout the year continues to be of central importance to maintaining our culture. We are a hunting people. Life in the country, away from the villages, is not some vacation for us. It is what is at the heart of who we are as a People. In the country we use the skills passed to us from our mothers and fathers. In the country we are the teachers passing on Innu skills to our children.

In the same vein, Chief Darrell Beaulieu of the Yellowknife Dene Band Council said: "We come from the land...and when we die we go back to the land....That is why we cherish the land. We have been on the land for ever and will continue to be on it as long as it is habitable."

At Val d'Or, Serge Lefebvre, Regional President for the Confédération des Syndicats Nationaux, put the difference between Aboriginal and non-Aboriginal attitudes to land in these words: "As far as we are concerned, the land belongs to us – as far as they are concerned, they belong to the land."

The amount of land given up by Aboriginal peoples was put in these terms by Terry Nelson of the Roseau River First Nation: "Roseau River had over

3,000 square miles of land in southern Manitoba. We now have 12 square miles left. We lost 99.6 per cent of our land."

"The situation is the same in Canada," he said. "Overall, the Canadian land mass is over 3.8 million square miles of land. The 2,200 pieces of land that is identified as Indian reservation land amounts to about 10,313 square miles. In effect, 99.73 per cent of the land in Canada is under non-Aboriginal control. The majority of our people are existing on less than one quarter of one per cent of what their land was at one time.*

He said government policy contained an arbitrary provision that prevented looking at hunting, fishing and trapping claims through the process of handling specific claims in the Department of Indian Affairs and Northern Development. This meant that treaty and First Nations were not able to redress grievances concerning Treaty violations by the Crown, such as the introduction of trap line registration and hunting restrictions.

There was general support among intervenors in Fort St. John, British Columbia, for the demand that the Crown return to the relationship between Aboriginal and non-Aboriginal peoples, as understood by the Aboriginal signatories, that had been intended by the framers of the treaty. As Peter Havlik pointed out, First Nations "did not agree to the text of the treaty as prepared later and printed in a foreign language in Ottawa. The written document contains concepts that the First Nation signatories could not have understood, and therefore could not have agreed to."

There was an equally strong feeling that the federal government had failed to honour its treaty obligations and, in the opinion of some intervenors, its fiduciary responsibility to Aboriginal people.

* This figure does not include areas of northern Quebec and of the Northwest Territories that have been placed under full or partial Aboriginal control under the James Bay Agreement, the Inuvialuit Final Agreement, and the Tungavik Federation of Nunavut Agreement in the Eastern Arctic. Although not traditional treaties, such land claims agreements are specified as being equivalent to treaties in the Constitution.

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The process now in place for negotiating land claims was criticized strongly. Mr. Havlik maintained that the main objective of the federal government's claims policy is to minimize the cost of claims settlements. He said that the existing claims policy is too narrow and too slow. It allows only claims based on breaches of the Crown's lawful obligations and hence excluded historical Indian grievances and failures by the Crown to adhere to treaties.

Bias is built into the claims process, Mr. Havlik said. Bands are forced to submit claims against the Department of Indian Affairs and Northern Development to that department, which also allocates funding to Aboriginal groups for claims research and made the final decisions on the settlement of claims.

"This is a clear conflict of interest," Mr. Havlik said. The Department is a respondent in a claim, but it also acts as judge, jury, executioner and banker. This results in a profoundly unfair process which is stacked against First Nations claimants."

Along with several other intervenors, Mr. Havlik recommended establishment of a claims process that would be independent of the Department of Indian Affairs and Northern Development and independent of the Crown in general. He noted that this had already been recommended by such bodies as the Canadian Bar Association and the Standing Committee on Aboriginal Affairs. Some intervenors, such as representatives of the Roseau River First Nation, urged that disputes over treaties be resolved through an international forum rather than through Canadian institutions.

Criticism of delays in the land claims process and of jurisdictional conflicts came from many quarters. At Nain, Labrador, William Andersen III of the Labrador Inuit Association provided an update on the LIA's comprehensive land claim negotiation, which had come to a halt because of disagreement over cost-sharing between Newfoundland and the federal government. He urged that governments continue negotiations while they are working out their differences.

A similar delay was reported by the Innu Nation and by the Federation of Newfoundland Indians. However, there was disagreement at the Cartwright hearing in Labrador with the Innu proposal that there be a moratorium on all development in land claimed by the Innu unless there is consent by the Innu. Woody Lethbridge, of the Eagle River Development Corporation, spoke about strained relations between the Innu and Métis, with particular reference to a logging development and a projected snowmobile trail that had been halted by the Innu. He suggested that while land claims negotiations were proceeding, development should still be allowed to occur.

At Maniwaki, Chief Jean-Guy Whiteduck recommended that the extinguishment clause be removed from land claims policy. This view was strongly held by a number of intervenors in Yellowknife. An alternative approach was discussed at Old Crow by Colin Bairsto of the Vuntut Gwitchin Tribal Council. He recommended that Aboriginal title be retained for settlement claims held in fee simple, but conditionally surrendered in traditional territories so long as the government honoured the land claim agreement. This approach is similar to that contained in land claim agreements negotiated by the Council of Yukon Indians on behalf of its member First Nations.

A number of Aboriginal intervenors raised specific claims that they are pursuing with the federal government. Some involved land and some involved recognition – the key issue for Indian communities in Newfoundland – or the granting of a reserve. In the case of the Grand Lac Victoria First Nation, the

community was not seeking a reserve. James Papati explained at Val d'Or that the community is made up of 18 scattered camps in La Verendrye Park where their traditional territory is located. Despite the difficulties of access to health and social services, the community did not want to abandon the land that provided them with their identity and survival. The community felt that a reserve could compromise its rights to its territory.

At Ile-a-la-Crosse, Mayor Rod Bishop of the Village of Green Lake presented the claim of the Métis to a tract of land west of the village which, he said, was set aside for the use of the Métis people when they were relocated from the south of the province in 1944. The Métis had placed caveats on a large area and were also suing the province for loss of use of this tract of land. He urged that moratoriums be placed on any mega-project developments in the North so that all outstanding interests surrounding the area would be fully determined. Métis should also be managers, not co-managers, of all developments over projects on their lands.

At La Loche, Saskatchewan, Armand Murray and Clem Chartier of the Métis Society of Saskatchewan raised the question of land scrip which had been issued to Métis people when Treaty 10 was signed in 1906. Under this system, scrip was provided instead of a grant of reserve status. He said the process of issuing scrip was useless. Very few Métis registered their scrip and many gave up their scrip at very low prices to land speculators. Further, many Métis at the time did not feel the need to select 240 acres of land of their own.

Mr. Chartier contended that the acceptance of scrip was not equivalent to voluntary extinguishment of rights the Métis held over their traditional lands. He failed to see how the government could now declare that Métis rights had been extinguished.

Several intervenors, such as the Friends of the Lubicon (at the Toronto hearing), the Bigstone Cree Nation (Slave Lake, Alberta), and the Barriere Lake Algonquins (Val d'Or, Quebec), complained of political interference by the Department of Indian Affairs and Northern Development in the affairs of

First Nations. The reason, said Chief Matchewan of the Barriere Lake Algonquins, was that they had not been the "good little Indians" the Department wanted them to be.

At Wendake, Quebec, Marie France Chabot of the Quebec City Bar questioned whether Aboriginal rights still applied on lands that were formerly within the colony of New France. She argued that Aboriginal ancestral rights on these lands had been effectively extinguished under the French Crown and that this position continued after the British conquest. She said it was outrageous to think that the government of Quebec, which had treated Aboriginal people generously, should negotiate as if the failure to sign treaties were an omission. There was no reason, she said, and it was also completely beyond the financial means of the Quebec and federal governments.

Chief Matchewan took issue with the contention that Aboriginal land rights in Quebec had been extinguished and maintained that the Algonquins had never surrendered their title or jurisdiction. This title extended to lands in Quebec and Ontario, including Parliament Hill, and the federal government had a fiduciary duty to act in the best interests of the Algonquins with regard to these lands.

At Maniwaki, Quebec, Clifford Lincoln, special representative for the Barriere Lake Algonquins, outlined the trilateral agreement which had been struck to provide for joint management over a 10,000 square kilometre territory within La Verendrye Park. He called the agreement a landmark that could serve as a crucial pilot project for the future because of its emphasis on sustainable development and the partnership it established between government and an Aboriginal community.

Unfortunately, he said, this opportunity was being frittered away because of Quebec's insistence that its forestry legislation should prevail over the agreement. He urged that the Commission do what it could to ensure that the agreement was respected, and commended the project as a model of co-management and reconciliation.

Very few non-Aboriginal intervenors commented directly on issues relating to Treaty rights and land claims. Catholic bishops voiced support for the right of Aboriginal people to an adequate land base at the Val d'Or and Maliotenam, Quebec, hearings and deplored the Quebec government's position on the Barriere Lake Trilateral Agreement.

At a special consultation in Timmins, Ontario, on resource issues, two non-Aboriginal representatives from the mining industry expressed concern that Aboriginal land claims may affect geographic areas in which they operate and criticized governments for taking away their "right to title". At Merritt, British Columbia, a similar issue with respect to grazing was raised by Bob Neale, President of the Nicola Stock Breeders' Association. He asked that non-Aboriginal as well as Aboriginal ranchers be given secure access to forage on Crown grazing lands. Third parties should be given a seat at the table when Aboriginal land claims are negotiated, he said, and no settlement should infringe on land that has been deeded.

The *Indian Act* and Federal Administration

The Commission heard strong criticism of the Department of Indian Affairs and Northern Development and many calls for abolition of the *Indian Act* during its first round of hearings in the spring of 1992. These criticisms were repeated and reinforced during the second round. If intervenors did not call for abolition of the Act, they urged that it be phased out or rewritten to give First Nations control of their affairs. At North Battleford, councillors for the Poundmaker Cree Nation discussed the possibility of bands being able to opt out of sections of the *Indian Act* to which they did not want to be subject.

In a brief submitted at Halifax, Dwight Dorey, President of the Native Council of Nova Scotia, called the *Indian Act* and its related policies the single most painful source of friction for Aboriginal people.

We do not need to institute a body or act for Aboriginal people of this country. Do we have an Act for the black people of this country...for the French people of this country... for the disabled, women, children, elders, blue collar workers, white collar workers? Of course not, what we have is principles giving us a statement of how we will live and how we must respect those that are different by birthright from the majority.

In Tobique, New Brunswick, Chief Stewart Paul described the projects his band had initiated over recent years and noted that its contact with the Department of Indian Affairs and Northern Development was now a fiscal relationship only. There was no service function and very little contact, he said, and the relationship should be only fiscal. The Tobique Women's Group urged that a sunset date for the *Indian Act* be established 10 years from today, and that the *Canadian Human Rights Act* be amended to apply to the *Indian Act* in the meantime.

At Maniwaki, author Boyce Richardson said that abolition of the *Indian Act* should be a high priority, and that Aboriginal people should decide what should replace it. The act "embodies the prejudices of Victorian Englishmen...who knew nothing about Aboriginal people and cared less."

The Department of Indian Affairs and Northern Development was criticized for poor administration of Indian lands, for its failure to respect the treaties, for the financial and administrative problems it creates for Aboriginal communities and organizations, and for failing to understand the needs of Aboriginal people.

Ed Bianchi, of the Friends of the Lubicon, outlined the problems the Lubicon Cree Nation had experienced in trying to settle claims for recognition and territory that they had submitted as long ago as 1939. The Department of Indian Affairs and Northern Development had refused to take part in a commission established to investigate the Lubicon situation, leaving the commission with a long list of unanswered questions to be resolved, and had also

delayed making a detailed response to the Lubicons' proposals for settlement. He concluded that the federal government was prepared only to take part in a process over which it had full control, and in which the conclusions were predetermined.

Harry McDougall, Chief of the Abitibiwinni Band, put it this way at Val d'Or:

The channels of communication for registering our complaints outside the law courts are almost non-existent. The route which exists in Indian Affairs through the Land Claims Office is so clogged that it amounts to a labyrinth, where you can easily find the way in but it seems that there is no way out.

Questions of status, the treatment of off-reserve Indians, and problems arising out of Bill C-31 were frequently raised. One of the major complaints was that bands would not take back persons whose Indian status had been restored. Geraldine Desjarlais, Mayor of St. Georges Hill, told the Commission at La Loche that 77 per cent of the residents of her village were people reinstated under Bill C-31, but that the neighbouring Buffalo River Band refused to facilitate their wish to move back to the reserve.

At Ile-a-la-Crosse, Brian Ratt recommended that off-reserve Indians take the initiative and challenge Indian governments who professed self-governance. These governments must remain accountable to their membership, he said, including those members who lived off-reserve. He recommended that since off-reserve members had been used to determine the Canoe Lake band's land entitlement, the resultant resources be used to establish a reserve for those members in Ile-a-la-Crosse.

Marie Francis, a Crisis Intervention Officer at the Micmac Native Friendship Centre in Halifax, talked about the problems the centre experienced in providing assistance for Aboriginal people in the city. They often had to argue with Indian bands about financing, particularly to provide support to students. If the bands said they could not help, the Aboriginal person would end up returning to the reserve. "So long as one listens to the government,

lives on government land with government boundaries and behaves like a good little Indian, they will be helped. But for those who attempt to educate themselves or improve their lives, they get nowhere," she said.

Gordon King, Executive Director of the MicMac Friendship Centre, recommended that the same level of funding be available to off-reserve Aboriginal people as to those living on reserve, in order to counteract the federal government's attempt to divide and conquer Aboriginal peoples.

At Slave Lake, Alberta, Doris Ronnenberg of the Native Council of Canada (Alberta) talked about the same problem. In her band 60 per cent of the members live off reserve, Ms. Ronnenberg said. She and Roy Littlechief noted that the five bands in the Treaty 7 area have an annual income of close to \$100 million from DIAND and from mineral revenues, and that the Alberta government provides \$4.2 million annually for the Métis Association, but that there is nothing for urban Treaty Indians.

Urban Treaty Indians also have no power with respect to services such as counselling services or employment services, they said. As well, Treaty 7 chiefs are not capable of setting up an urban reserve self-government because one-third of the urban Treaty Indian population in Calgary comes from Saskatchewan.

The question of defining status came up at several hearing locations. Some intervenors recommended that the definition of Aboriginal status be left in the hands of Aboriginal people or their governments. Others recommended that there be no distinctions. Chief Jean-Guy Whiteduck, speaking at Maniwaki, suggested that Aboriginal groups had not done the job of determining who should be considered to be Aboriginal. He said governments might tell Aboriginal groups to get their act together and come back with a proposal.

Mérilda St. Onge, speaking for the Aboriginal Women of Betsiamites in Uashat, said Bill C-31 women are often discriminated against by their band, particularly if they seek housing so they could

return to their reserve. She also objected to discrimination against reinstated women who are single parents. She said that these women are unable to get Aboriginal status for their children because the Department of Indian Affairs and Northern Development insists that the father confirm paternity. A sworn statement of the other parent's status was acceptable if it came from a father but not from a child's mother. She also said that infants are being denied baptism on reserves – and having to be baptized elsewhere – in cases where the father is not identified.

One issue creating problems in Quebec is the fraudulent use of status in order to gain access to government employment and programs. In Val d'Or, Rhéal Boudrias, a former president of the Aboriginal Alliance of Quebec, said that too many people were benefiting from special programs for Aboriginal people in Quebec because of failure adequately to define eligibility or Métis status. He said the Alliance had been required to include both off-reserve Indians and Métis as members, but that the qualifications for Métis membership had never been defined and had become wide open.

Commission hearings at Gander brought representatives of all 11 Indian bands in Newfoundland together with the Federation of Newfoundland Indians to make the case for recognition and registration under the *Indian Act*. Only one band in the province, at Conne River, had been recognized, and this was because its territory had been set aside as a reserve while Newfoundland was still a colony. Recognition of other bands had been blocked because Newfoundland's 1949 Terms of Union with Canada did not acknowledge the presence of Aboriginal people.

Although a wide range of issues was raised during the day's hearing, including language and culture, education, housing, economic development and control of resources, the central concern in every presentation was the difficulties experienced by Newfoundland Indians because they are not recognized by the federal or provincial governments and have little access to resources or funding.

Many of the bands have no funds to speak of even though they have an elected chief and council. Funds for band activity are raised by voluntary efforts or paid out of the pocket of band council members. Bands have been struggling to provide services to their members, in some cases for as long as 20 years.

Gerard Webb, President of the Federation of Newfoundland Indians, said the FNI had finally taken its case for recognition to the courts in 1988 after promises made to the Federation were not fulfilled. But funding for the court case through federal government had been terminated and negotiations had broken down because of political interference by the province. He asked the Commission to intervene and break the impasse.

Mr. Webb said the FNI had submitted a proposal for self-government to the federal and provincial governments. This included negotiations with the province, but recognition was their priority. He said that Indians did have a land base, the Island of Newfoundland, and had never negotiated any of it away. They are attempting to find financial resources to research a comprehensive land claim.

The Métis Reality

In the Commission's first round of hearings, the Métis were portrayed as the forgotten people and as "the most dispossessed" of Canada's Aboriginal people. Intervenors pressed for the recognition of Métis as a distinct people and for the creation of a Métis land base. They wanted to ensure that Métis shared such Aboriginal rights as the right to hunt and fish, and that they were given the same financial support for post-secondary education as status Indians. They pressed for adoption of the Métis Nation Accord which was negotiated during the 1992 process of constitutional renewal. These concerns were again a priority for Métis intervenors in the second round of hearings.

During Round Two, Métis associations in Saskatchewan, Alberta and the Northwest Territories criticized the Commission for its han-

dling of Métis concerns. They said the Commission's Overview of Round One and its discussion guide, "Framing the Issues", paid too little attention to Métis issues and failed to address priority questions such as enumeration of the Métis and the establishment of a Métis land base.

At Slave Lake, Alberta, Larry Desmeules, President of the Métis Nation of Alberta (since deceased), recommended that the Commission establish a round table to deal exclusively with Métis Nation issues. He also proposed the creation of a Métis advisory committee to help ensure that the Commission addressed the issues the Métis saw as priorities.

At the same hearing Sheila Genaille, President of the Métis National Council of Women, raised an additional concern with respect to the Overview of the first round. She said it was misleading to report that Métis women were given less than equal treatment in Métis organizations; and that Métis women were in fact full partners in the Métis Nation.

In Saskatoon, Clem Chartier, of the Métis Society of Saskatchewan, asked the Commission to look at how the Métis Nation had been dispossessed and displaced from its lands and resources, stripped of its self-government and cast into what he called a jurisdictional limbo.

Commissioners noted that many issues affecting Métis people were being considered as Aboriginal issues because they also affected Indian peoples and Inuit. They also noted the increased attention the Commission was paying to Métis concerns and Métis communities during Round Two of the hearings.

At Slave Lake, Ms. Genaille put the position of her people in these words:

The Métis are a distinct nation of Aboriginal people. We see ourselves separately from Indians and Inuit. We have a unique, colourful, valuable history and culture. What happens is that we are lumped together with the other Aboriginal groups under the terms "Aboriginal" or "Native". The effect of this

lumping of Aboriginal peoples is that Métis issues, concerns and priorities are lost, the issues that affect us are left unattended.

We understand that there are Aboriginal issues that can be dealt with in a collective way. One example, the entrenchment of the inherent right to self-government. But Métis issues are so distinctive from other Aboriginal groups that any proper dealing with our issues would preclude the collective approach.

At Ile-a-la-Crosse, Métis Senator Vital Morin told how the life of his people had changed in northern Saskatchewan.

When I was bringing up my family we lived in harmony. Everybody was happy. We lived off the land. Nobody came and bothered us. Nobody put us in jail because we went out to try to find something to eat for our family. We'd shoot moose, ducks, everything else and nobody bothered us. We were just living and then, all of a sudden, they came out with new housing, new roads, new airfields, new power and all this kind of stuff.

Sure, it's nice to have those, they are goodies, but they also brought all of their laws with them. They are enforcing all of these laws and a lot of these laws are made down south.

Problems of unemployment, poverty and inadequate services were raised by a number of Métis intervenors. These were often complicated by problems of jurisdiction. As Max Morin put it at the same hearing: "The federal government and provincial governments don't want to take responsibility for us. We are the forgotten people."

One example was given at High Level, Alberta, by John Crisp, Administrator of the Paddle Prairie Métis Settlement. This settlement was not receiving health services because it was not covered under provincial health boundaries, and there were therefore no funds available to build a health facility. A similar problem applied to education: the settlement received provincial approval to extend its school up to Grade 12, but no funds were provided to pay for the expansion.

Commissioners spent a day at East Prairie Métis Settlement where they met with the leadership of Alberta's Métis Settlements. They too identified issues of jurisdiction as priorities, asking that federal and provincial governments deal directly with the settlements in areas of concern such as health, education, justice, employment and housing. Despite the 1987 Métis Settlements Accord, many available sources of funding had restrictions which excluded the settlements from qualifying.

For the future, the settlements' leaders expressed concern for the economic base of their communities. When Métis people had settled all the land in the settlements, there would none left for economic development projects or for the traditional activities of hunting, fishing and gathering. This should be considered in discussions of self-government, as should the issue of hunting and fishing rights.

In Saskatoon, Gerald Morin, President of the Métis Society of Saskatchewan, made a strong plea for early action on national issues, involving the Métis, that were to have been resolved through the Charlottetown Accord. As one alternative he proposed putting through an amendment to s. 91 (24) of the *Constitution Act, 1982* to clarify that this section covers all Aboriginal people including the Métis. This would open the door to settling Métis land claims through the federal government's comprehensive and specific land claims policy.

Métis intervenors in Quebec and Atlantic Canada took issue with the definition of Métis status based on the Manitoba settlements. At Wendake, Mario Paradis, of the Métis and Off-Reserve Indians' Association of Quebec, said that the Métis National Council did not represent his members in Quebec at all. As used in Quebec, he said, Métis means a person of mixed parentage with one parent being Indian. He urged that the Commission recommend a definition of Métis that would apply to all Métis of Canada, not simply some regions of the country, and suggested that the Métis Association acquire the status of a professional corporation, like the Bar, so that it could regulate certain activities and rights of its members.

M. Paradis concluded his presentation with a passage by a Métis poet, Virginia Pesemapeo Bordeleau:

I am the shock of two cultures,
the white and the iron bar,
the red of feathers, of furs and faded leather,
with the acrid smell of smoking wood.
I am witness to two races suffering from life
and from their inability to come together.
I am the bridge between two peoples
that an accident of fate has
stretched over a precipice.
I am descended from red and from white.

Northern and Inuit Issues

Throughout northern Canada, including both territories and northern regions of the provinces, there were many complaints at the hearings about services that were inadequate, inappropriate or non-existent. As in Round One, intervenors said the problems of Aboriginal communities were compounded in the North by isolation, the lack of access to jobs and training, and the high costs of transportation.

The Commission's hearings in the Inuit communities of Cambridge Bay and Rankin Inlet, N.W.T., took place shortly after electors in the Eastern Arctic voted to make their region into the new territory of Nunavut. This increased the desire of these communities to improve their facilities for training local people and to provide training without requiring students to leave the Arctic. A number of intervenors spoke of the need to train and hire local residents for good jobs rather than having them filled by people brought in from southern Canada. Some, particularly in Yellowknife, called for the creation of a university in northern Canada.

The situation with respect to land claims varied by area. The federal government's policy of requiring extinguishment of Aboriginal rights as a condition to land settlements was an issue in the Western Arctic and the Yukon. In the future Nunavut territory, the issue was implementation. In Labrador,

Innu and Inuit intervenors recorded continuing frustration at the impasse between Canada and Newfoundland which was hindering their negotiations with the two governments for recognition and for land claims.

At Yellowknife Stephen Kakfwi, Northwest Territories Minister of Justice and Aboriginal Affairs, gave a comprehensive overview of the territory's outlook for self-government. He foresaw Nunavut as a form of public government in the east that would be responsive to the Inuit, who are a majority of the population in that region. In the western region of the Northwest Territories, with more traditional forms of First Nations governments, he anticipated that Aboriginal self-government institutions would be in place at the community level.

Social issues were matters of deep concern at the northern hearings, particularly the incidence of suicide. George Rich of the Innu Nation told the Commission that there had been 46 attempted suicides in one year in the Innu community of Davis Inlet, Labrador, out of a total population of 500. Almost all of the attempts were by young people. At Rankin Inlet, N.W.T., intervenors spoke of the devastating impact that the high rate of suicide had on families and on communities.

Chief Katie Rich and George Rich both spoke of the problems affecting Davis Inlet and the frustrations the community has experienced in getting governments to help with solutions. They were unable to get funding for treatment of an epidemic of children sniffing gasoline.

Both leaders spoke of the wretched housing conditions in the community. As Mr. Rich put it:

Utshimasits (Davis Inlet) is a prison for us. It's located on the island, whereas we are people of the land. During the spring break-up and freeze-up, we are trapped here, unable to get to the mainland where you can hunt and fish for food....The only reason we are on this island is because others decided this was a good place. We were not consulted.

They noted that there was no water or sewer service for the Innu residents, and no way to provide them, but that governments were continuing to delay the community's desire to relocate to a new and better site on the mainland.

At Nain, Labrador, Henoch Obed, an Inuk addictions worker and counsellor, spoke at length of Inuit values, of the Inuit link to the land and the sea, and of the importance of family as the foundation of Inuit culture, society and economy. He noted the Inuit practice of custom adoption and its importance for maintaining the race, and of the Inuit tolerance of other Aboriginal settlers, many of whom had taken on Inuit traditions and language. He spoke of Inuit music and spiritual traditions and the role of arts and crafts as an expression of Inuit cultural identity and tradition.

At the same time, Inuit are experiencing many crippling social and mental health problems, notably those arising from the introduction of alcohol and drugs into their culture. The pace and intensity of changes to Inuit culture have created generation and cultural gaps between elders and the younger generation.

I can really feel the grief being expressed in parts of our Inuit culture. The Inuit have suffered many losses of things they value and hold important....Please don't judge or condemn us harshly. It is a feeling that has to be said. We can never be the same culture in society as we were in the past. We must learn to grieve our sense of cultural loss, express our deep emotions, and return to effective, productive living in the present and for the future.

Intervenors at Nain noted that the Labrador Inuit are treated differently from those in the Northwest Territories because they live south of the 60th parallel, which acts as a demarcation line for federal and provincial authority. This results in the Labrador Inuit being ignored in matters of federal northern policy.

Governance and Accountability

The concerns about accountability that were expressed during the Commission's first round of hearings were reiterated during Round Two. Many of these comments came from women. Intervenors at Big Trout Lake, and Kenora, Ontario, and participants in a youth forum at the hearing in Halifax complained of nepotism, favouritism and corruption in Aboriginal governments and talked of the need to rebuild trust in the community. Winona Fontaine, a student from the Sagkeeng Youth Council, called for removal of the *Indian Act* but said there must be a document in its place to guarantee the ongoing accountability of Aboriginal leaders to their people.

Women were especially critical of the present Aboriginal institutions. At Saskatoon, for example, Vicki Wilson of the Aboriginal Women's Council of Saskatchewan accused male-dominated tribal councils of not being supportive of women. Women must be included in the circle for self-government to be successful, she said.

Bertha Allen of the Native Women's Association of the Northwest Territories took the same approach at a women's round table meeting in Yellowknife. Women must be involved in the development of self-government, she said. If equality did not come about voluntarily, women must be given assistance to work toward it. "We don't want the colonial, European style of government, with inequality of representation," she said. "We as Aboriginal women want to share in the decision-making, as in traditional times."

The Tobique Women's Group questioned whether band elections every two years were sufficient to guarantee accountability. The group said there should be some kind of continuing mechanism to protect rights of individuals and hold leaders accountable and recommended that the *Canadian Charter of Rights and Freedoms* stay in place until self-government is implemented.

Dorothy McKay, a single parent who appeared before the Commission at Big Trout Lake, Ontario, said self-government must be built on the foundation of fairness and equality for all Aboriginal people. It must hear the weaker voices along with the stronger ones.

At Thunder Bay, two representatives of the Ontario Native Women's Association, Marlene Pierre and Bernadette Cook, spoke of how Aboriginal people governed themselves before the coming of the settlers. Based on research that was being carried out under the Commission's Intervenor Participation Program, they argued that it was important to bring the clan system into any kind of governing body.

[Such a system] takes our past and brings it into the context of today. It will, hopefully, dissipate the kind of difficulties that are being experienced at the band level right now, and that is using the white man's elective system which creates all kinds of confusion and is not even our system anyway.

If we have a clan system, then everyone in the family is recognized by the appointment of speakers or heads for each family. The other very positive aspect of governing in this fashion is that...we know that 50 per cent of our families are single parent led families.

A clan system would do away with the on- and off-reserve mentality, and families would be represented no matter where they lived, they said.

Several other intervenors objected to off-reserve band members being excluded from voting in band council elections. Bill Swimmer, a member of the Sweetgrass Band, noted at North Battleford, Saskatchewan, that 35 per cent of the band membership lived on reserve, and only half that number turned out to vote for the chief and council.

At Wendake, Quebec, Henri Paul Trudel made the same point. Non-residents were barred from taking part in band decisions because of Article 74 of the *Indian Act*. As a consequence, the present council represented only 13 per cent of the membership of

the band. He recommended a system of proportional representation based on family groups to ensure the widest possible participation in band government.

Another intervenor at Wendake, Michel Gros-Louis of the Akiawenrak Long House, noted the different approaches of band councils and of traditional councils based on the clan and the long house. He proposed that in future negotiations with the federal government, the traditional council and band council should sit as equals.

Margaret King, of the Saskatoon Treaty and First Nations Assembly, asked that urban treaty Indians have full rights of representation in band governments regardless of their residency. She said that 40 per cent to 50 per cent of the people lived off reserve and had no access to Aboriginal political institutions.

The *Indian Act* has divided our communities for too long. We must remove ourselves from this oppressive legislation if we are to gain control over our destiny and that of our children.

Our people have always been migratory in nature....In today's society it is no different. We have to go to where the jobs are in order to feed our families. For whatever reason a person leaves their community it cannot be assumed that they are rejecting their culture and customs.

After his presentation at Toronto, Professor David Newhouse had a lengthy exchange with Commissioners over the issue of accountability. He warned against setting standards that were higher than that of the mainstream, but said that this is what happened when Aboriginal people were asked to define exactly what mechanisms of accountability should be.

Throughout history one of the fundamental problems of government has been accountability...and people struggle with this every day....A very small percentage of our people voted in Canada; do we worry about whether

the government is accountable? Less than 50 per cent of the people in Canada at present have voted for this government. Do we ask whether that government is accountable or not? We don't ask that question; we say, 'How should it be accountable?'

People forget that it's an evolutionary process, that western societies have struggled with these issues for a thousand years or so, and our activities have also had ways of being accountable to your own communities.

Paying for Self-Government

One of the questions in "Framing the Issues" was how the costs of Aboriginal governments and public services under Aboriginal control should be financed. Discussion on this issue, which was barely mentioned during the first round of hearings, focused on resource revenues, greater use of unconditional transfer payments, and the possibility of an Aboriginal tax system. Several intervenors suggested that moneys coming from governments should be seen as payment for the resources and lands that had been taken from Aboriginal people without their consent rather than as some form of handout.

Don Imbeau, a non-Aboriginal intervenor who supported self-government at the Kenora, Ontario, hearing, also called for an Indian tax system. He said that in his discussions with non-Aboriginal people, the Indian exemption from taxation was a common thread which angered almost everyone.

People living on reserves must begin paying property tax. At least, those employed on reserves must pay income tax to their reserves. Status Indians living and working off reserves must lose their tax exemption and start paying income and sales tax to their reserves. This action will eliminate one of the greatest causes or roots of racism.

The Indian tax exemption issue was also raised during the Commission's public forum at Yellowknife.

Don Scott, a non-Aboriginal speaker, said he hoped Aboriginal government would be tax-based, or else it would not be accountable to its constituents. In response, Fort Simpson Band Chief Gerald Antoine said he couldn't tell if Aboriginal government would be tax-based, because he did not know to what extent the resources had already been taken out of the land. Speakers from the floor noted that Aboriginal people in the Northwest Territories were currently paying their share of taxes, because most did not live on reserves.

The issue also arose at Timmins, when Don McKinnon, a non-Aboriginal prospector, suggested that self-government would increase the taxes of non-Aboriginal people. Members of the Commission pointed out that the present system was unsatisfactory and might even cost more than self-government. Later, at a public forum, a member of the audience pointed out that tax money paid to Aboriginal communities did not stay in those communities, but generally returned in some form to those who had paid it out. The tax issue should be looked at from the view of government's obligations to all its citizens, rather than from the viewpoint of Indian and white.

At Cranbrook, British Columbia, members of the St. Mary's Indian Band saw some form of taxation by First Nations on their citizens as inevitable. But they stressed that, at first, the financial responsibilities for Aboriginal government must be borne by provincial and federal governments.

Agnes McCoy, chief of the band, said that this would not have been necessary had history been different and Aboriginal title and rights recognized long ago:

As each First Nation is different from another, no one method of taxation will work for all. Each First Nation is responsible for developing its own taxation laws and agreements must be made between the First Nation government and the provincial and federal governments so that double taxation does not happen.

Also at Cranbrook, the Ktunaxa/Kinbasket Tribal Council supported the creation of Aboriginal taxation powers, but said they should be used as instruments of community development. Sophie Pierre, the council's administrator, proposed that special tax-free zones be created on reserves to attract business development. She said the revenues foregone would be realized many times over in lower social assistance and health costs, increased employment and by restoring the pride of Aboriginal nations.

Robert Doucette of the Métis Society of Saskatchewan spoke in favour of a taxation power for Métis people. At the Saskatoon hearing, he said the revenue generated should remain with the Métis community and be used for local community development initiatives. If an urban Métis government structure were created, it should also include a scheme to share tax revenues with the municipality and other governments.

Several intervenors endorsed the concept of a transfer payments system and likened it to the federal government's policy of making transfer and equalization payments to the provinces. Chief Jerry Paulette of the South River First Nation suggested at Yellowknife that Aboriginal governments establish a system of equalization payments to assist less fortunate communities. Graham Tuplin, President of the Native Council of Prince Edward Island, stressed that transfer payments should help all Aboriginal people, on and off reserve, and proposed that Aboriginal governments receive a proportion of the natural resources revenues from each province.

In Yellowknife, Garth Wallbridge, a Métis lawyer, proposed that federal transfer payments should be greater than 100 per cent of the amounts previously spent on any particular program. "The federal government took away our ability to govern ourselves, and now they must pay for us to relearn how to do that," he said.

At Manouane, Simon Awashish, President of the Atikamekw Nation Council, linked the financing of

self-government to the success of the Atikamekw land claim and said moneys should come from grants, transfers, resources and capital revenues.

David Whitehead, an agrologist with the Saskatchewan Indian Agricultural Program, proposed creation of a land management system that would generate land leasing revenue that reserve communities could recycle into economic development. At Fort Alexander, Manitoba, the Manigotagan Community Council made a similar proposal through which Aboriginal communities would draw revenues from leases and resource royalties on land they controlled. At Ile-a-la-Crosse, Mayor Buckley Belanger recommended creation of a northern development fund based on tax revenues from mining, with the proceeds to be reinvested in renewable resources.

Social and Cultural Issues

Aboriginal Communities

Throughout Round One of its hearings, the Commission heard vivid and wrenching testimony about the situation of Aboriginal people and their communities today. This was again the case in Round Two, but the focus was different; many intervenors offered proposals for change in response to the problems they outlined.

Whatever the area of human services, the message from intervenors was the same: a desire for greater Aboriginal control over services, more grassroots influence over decision making, more culturally appropriate programs, and for an integrated and holistic approach to serving Aboriginal needs. For many intervenors, the issues of service delivery were closely linked to demands for self-government and greater autonomy. A strong desire to return to traditional ways was expressed at many hearings as was concern about the cycle of violence and abuse in Aboriginal communities and the need for healing.

As in the first round, inadequate funding, bureaucratic interference, difficulties in dealing with non-Aboriginal governments, and inequities and gaps in service were raised as problems at every hearing. These problems were seen as even more acute in northern Aboriginal communities, both in the provinces and the two territories.

Although many Aboriginal people receive income support in the form of transfer payments or welfare,

little was said in Round Two on this subject. An exception was Irene Tiktaalaaq, of the Baker Lake Concerned Citizens, who described how the community had set up a food bank to help people when their income ran out. She said people were not allowed to spend welfare money on their skidoos and therefore could not afford to hunt for themselves, even though the basis of Baker Lake's traditional Inuit economy is caribou.

Some issues were raised in Round Two of the hearings that had received little attention in Round One. These included problems related to fetal alcohol syndrome and AIDS among Aboriginal people, the problems of Aboriginal people with disabilities, Canada's treatment of its Aboriginal veterans, and the impact of very high rates of suicide in Aboriginal communities.

Aboriginal Youth

Special efforts were made in Round Two to ensure that the Commission heard from Aboriginal youth. Besides hearing from individuals, Commissioners toured schools, heard from school classes and youth groups, viewed videos prepared by students, and held youth round-tables in Halifax and Yellowknife. Issues related to youth formed a major part of the hearings at Nain, Davis Inlet and Cambridge Bay.

At North Battleford, two high school students, Karen Scout and Dawn Campbell, gave a presentation reflecting the experience of Aboriginal youth in the region, based on two weeks of intense discussion in their Native Studies class. The first issue

on their list was racism, which they said all students in the class had experienced. They recommended that a youth group be formed to combat racism and that cross-cultural training be mandatory for everyone involved in the school system.

Education was seen as being the key to many problems. Youth should become educated from an early age on issues related to alcohol and drug abuse, suicide and teenage pregnancies so that they could take a proactive approach. This should play a part in the curriculum in schools. Education should include skills that would help students find a job when they are finished.

The two students recommended that, to combat the number of teenage pregnancies, contraception be readily available to sexually active teenagers and day-care facilities should be available in school to help teenaged mothers complete their education.

They urged that Aboriginal role models like teachers be sought out to play an active role in the lives of Aboriginal youth. Senior students should be enlisted to advise and encourage younger students to finish school. An "elder-in-residence" arrangement should be considered in schools to help youth develop spiritual understanding and a sense of Aboriginal identity.

At Halifax, a round table of about 25 students, most from the Micmac Native Learning Centre, touched on a wide range of issues important to youth. They included the need for more recreation facilities – a common theme for youth at all the hearings – the creation of youth organizations at the community, regional and national levels that would teach leadership and organizational skills, and changes in school curriculums to emphasize Aboriginal studies.

Suicide was a major concern. Participants called for suicide prevention workshops, 24-hour suicide crisis lines, healing circles, and the involvement of elders and traditional teachers rather than assessment by white psychiatrists.

Healing and talking circles and education about spirituality and Aboriginal culture were also put forward as a response to the problems of alcohol and drug abuse. The students recommended that a network of safe houses be established to reintegrate people who had recovered from addictions. These houses would provide a safe, protective environment, and there would be active involvement of elders.

All but one of the participants supported some type of self-government, but on this issue they had more questions than answers for the Commission. Some members raised the issue of corruption in the running of reserves and questioned the fairness of some decisions, for example, in the allocation of housing. The group felt services should be accessible to all Aboriginal people regardless of status and that there should be more Aboriginal agencies. Band members should be able to go back home to their reserve for services, or have access to the same services in the city.

At Merritt, British Columbia, several groups of students from the Coldwater Band School appeared at the hearing. The senior students called for additional resources for specialized programs such as arts, science and computers that would enhance career choices. They spoke of the new opportunities that would open up for their community with self-government. They proposed the creation of a Native World Youth Exchange Program to expand experiences and cultures.

The concerns of the younger students ranged from protection of wildlife and of the environment to an emotional vision that includes happiness, dreams and laughter. Spiritually, as one of the students put it:

Our vision is to know our Aboriginal beliefs, our language, our culture. We want to listen to the elders and hear their stories. We want to be dancers, drummers and singers. We want to have sweats and pow-wows. We want the eagles protected. We want nature around us.

Simeon Tshakapesh, President of the Youth Council, spoke at Davis Inlet about problems of youth that included gasoline sniffing, peer pressure, lack of activities and domination by the majority culture. "We are caught in a cycle of dependence and our youth are learning the same trap," he said.

For youth to grow to be healthy adults, basic steps are needed to help them become in charge of their lives. These include treatment and long-term prevention programs to deal with alcoholism and other addictions, education run by the community that would affirm Innu culture and language, and more adequate recreation facilities. He pointed out that 320 of the community's 500 residents are young people under 21 years of age. The community has no full-time youth worker.

At the Yellowknife youth round table, the Commission met with more than 300 students at St. Patrick's High School. The presentations included a graphic skit that reflected a young Aboriginal girl's life of not living at home, having problems at school, turning to alcohol, and eventually freezing to death as a consequence of her addiction.

One of the issues frequently raised during the small group discussions that followed was the difficulty experienced by students who had left their home communities to attend high school in Yellowknife. The students called for high schools to be brought to smaller communities, for more decentralized courses through Arctic College and for a university to be set up in the North.

Concern was expressed about the quality of education in smaller communities and about the need for parental support. Financial support is often insufficient and the students complained about the lack of summer employment.

The concept of youth camps or survival camps was supported at a number of hearings. At Old Crow, Commissioners visited such a camp during their hearings. Intervenors said youth should also have the option of choosing traditional lifestyles. Building respect and self-esteem among youth was identified

as a priority, and the request for youth centres and recreation facilities, as a focus for youth activity on reserves and in Aboriginal communities, was universal.

Aboriginal Women

In Yellowknife, some 40 women from different women's organizations and government departments in the Northwest Territories came together at a mini-round table organized by the Commission. Their concerns focused on family violence, the justice system, poverty and discrimination, and the obstacles Aboriginal women face in trying to improve their lives. Women should play an equal role, they insisted, in Aboriginal self-government.

Vera Morin of the Native Women's Association of the Northwest Territories spoke of the breakdown of family relationships in communities and said people wanted comprehensive services to address family violence, including anger and stress management. In many communities, women had only the chief to go to, but this often did not resolve the problem. Ms. Morin did not see a solution in people being sent to jail with no opportunity for healing. Many women wanted the violence to stop while retaining their relationships and keeping their families together.

Sara Kelleher, a family counsellor, said many social problems are based on lack of self-esteem. Counsellors need to use empowering models, such as healing circles, but there is little funding for these programs. Women need more support for moving away from abusive partners; at present many are ostracized by their communities, and they lack safe places to heal.

A woman from Rae-Edzo, Northwest Territories, noted that one-third of women in her community encounter violence, yet "we have no shelters". Bertha Rabesca, from the Rae-Edzo Friendship Centre, said that the courts must change. There has been no sexual assault conviction in Rae-Edzo in the past five years. Witnesses are afraid to testify because

of "family flack" and unwillingness to face offenders in the courtroom. Juries often include friends and family of the accused.

Lack of employment opportunities is only one of the obstacles faced by women trying to improve their situation. Velma Potman, a student in an adult upgrading program, told the round table that there is currently no financial assistance available for upgrading below Grade Seven. Many of the upgrading students have children. "How are we going to feed them? I can't live on \$600 a month and support my daughter."

These themes were repeated at many of the hearings where women spoke, but elders and male intervenors also focused on family violence and other issues that were priorities for women. Similarly, women intervenors commented extensively on such issues as self-government, self-sufficiency and treaty rights. As in Round One, about 40 per cent of the individual intervenors who appeared before the Commission in Round Two were women. However, among individual Aboriginal intervenors, the proportion of women rose to nearly 50 per cent.

Kula Ellison of the Aboriginal Women's Local of Saskatoon put the overall concerns of women in this way at the Saskatoon hearing:

Far too many of our sisters' lives are impoverished by the continued inequities inherent in the economic and social structures of this society...Our women have been told that we should be respected and honoured because we are the foundation of our fire circles, the mothers, the givers of life. Yet for so many of our women family violence has devalued and diminished that role and has dishonoured us all.

Ms. Ellison said that treaty benefits and entitlements should be transferable and accessible to fund the services women require when they leave their reserves. She also said affirmative action initiatives had not gone far enough. The target levels in most affirmative action programs were ridiculously low, and many Aboriginal staff left in frustration after

being hired, tired of single-handedly fighting ethnocentric attitudes on the part of employers and co-workers.

At Val d'Or, Quebec, the Commission held a special consultation to discuss how the Grand Lac Victoria First Nation had dealt with its severe problems of family violence and sexual abuse. Monik Sioui of the Société de Bien-Être Kitcisakik and Drs. Roland Chamberland and Jacqueline Cossette described how members of the community had worked together with specialists, built a relationship of trust, and provided support to try and help the victims of abuse. They noted that the process had taken more than 10 years.

The work has been very difficult because women and children did not open up easily and were afraid of reprisals. The group also faced obstacles from the child protection agency which refused to intervene even though it was headed by an Aboriginal director. Finally, a group of abused women, with the help of the support group, broke the code of silence on family violence and sexual abuse. As a result some 70 children are now under child protection and many abusers have been convicted or are in courts.

The group recommended against creating a global program to address the issue of abuse. Solutions should come from each community, but people within the community should be supported by specialists they chose from outside.

At Manouane, Quebec, Thérèse Ottawa and Delima Niquay, of the Manawan Women's Council, also spoke about violence and sexual abuse. Among other recommendations, they proposed that shelters be set up for aggressors, rather than victims of violence, and that governments provide funds to remove victims of violence from communities in the same way that they pay to evacuate people with physical injuries.

A member of the Roseau River Women's Group, Millie Nelson, told the Commission of her group's concern over 80 unnecessary deaths that had occurred in the community over a period of 40

years, three-quarters of which involved women and children. Her family had hired an investigator to examine the facts surrounding the deaths. One result of the study was that some 31 cases of child abuse requiring provincial intervention had come before the courts.

A common concern in the North was the inadequacy of short-term counselling programs in dealing with the trauma of violence or abuse in remote communities, typically using a 'fly-in' specialist for one or two weeks. At Whitehorse, Louise Bouvier outlined a project that the Yukon Indian Women's Association had developed to address both individual and community healing. Its focus was to provide continuing emotional support for people recovering from addictions, abuse, violence, or some critical incident using resource people in each community and regular workshops with outside facilitators.

In Whitehorse, Betsy Jackson and Lorraine Stick asked the Commission to make the issue of fetal alcohol syndrome and related birth defects a priority. Fetal alcohol syndrome (FAS) is caused by prenatal drinking which leads to recognizable physical characteristics in the baby, such as small stature, heart difficulties, and facial features and neurological effects ranging from poor judgement to mental disability.

Ms. Jackson and Ms. Stick said the Aboriginal community should be aware about FAS in the same way as AIDS, alcohol addiction or family violence. FAS could affect people in leadership positions under self-government, and it is also strongly connected with child welfare. The costs of caring for an FAS child over a lifetime are estimated to be over \$1 million, mainly because of the need for constant supervision and support.

Public education is needed about the effects of FAS, along with practical support for families with FAS children, long-term living arrangements, and prevention and support services for women at risk. This should include immediate access to alcohol treatment for pregnant women, including those who already have children.

Another health issue related to women was the federal Medical Services Branch practice of evacuating pregnant women from remote communities so that they could give birth in hospital. This practice was questioned at several hearings. At Toronto, Heather Clements, a nurse who had worked at Norway House, Manitoba, told how women as young as 17 were routinely sent by air to Winnipeg to deliver their first baby, even if the woman was healthy and preferred to stay in her own community. Many of these women found their way back to the community – by bus or even by hitchhiking – rather than wait alone for two weeks for their babies to be born in a Winnipeg hospital.

Based on their consultation with Aboriginal communities, Anne Rochon Ford and Vicki Van Wagner, of Ontario's Interim Regulatory Council on Midwifery, reported that there was a high level of dissatisfaction with the system of evacuation. Separation from families caused pain and contributed to family violence. Fathers and siblings missed the opportunity to make a connection to a new family member, and the joy of a baby being born had been taken away from the community.

The Council recommended that the policy be reviewed and that women have the option of giving birth in their home communities, based on standards set by each community. This should include setting up birthing centres and training Aboriginal midwives. They noted that Ontario had recently decided to allow Aboriginal midwives and traditional healers to practise freely in their communities and to be free from provincial regulation.

Children and Families

The main concerns in this area were to remove provincial jurisdiction over Aboriginal child and family services, place greater reliance on Aboriginal custom and traditions, and respond to the need for more Aboriginal child care. These concerns were tied to the lack of funding and lack of understanding of Aboriginal culture in mainstream society, and to the more general desire for renewal of the Aboriginal identity and of Aboriginal communities.

In Kenora, Colin Wasacase of Ojibway Tribal Family Services linked the demand to be free of provincial jurisdiction to the treaty relationship and the responsibility of First Nations to protect their culture, customs and way of life. He called for the establishment of an Anishinabe Tribal Family Court as a pilot project.

There was no possible way for Ontario to retain jurisdiction and to provide effective family support for his people, he said. "Our cultures are as different as night and day."

In Merritt, Warren Williams described a model of services being developed by the Nicola Valley Tribal Council to lead to the creation of an Indian family and children's services agency in mid-1993. This proposal paralleled the development of Indian control of Indian education and would provide the foundation for developing an Indian justice system, similar to the relation between Indian child welfare and tribal courts in the United States. The new agency would seek to ensure that the protection and care of children remained with the family. It would provide healing services rooted in counselling for families and individuals along with a shelter for children and women who were victims of abuse.

Mr. Williams recommended the creation of a funding base that would allow all band members to be served regardless of their residence, along with families of First Nations students attending the Nicola Valley College of Technology. Federal legislation related to Indian child care should also be introduced to allow for consistency between the policies of Indian family and children's services agencies and those of provincial childcare systems.

Support was expressed at several hearings for custom adoptions and a return to customary child care, with decisions made through Band Council Resolutions rather than through the courts. Intervenors also expressed concern about the negative repercussions of placing Aboriginal children in non-Aboriginal foster care. This practice had led to a "lost generation" of more than 1,000 Aboriginal

children from Manitoba adopted outside of Indian communities, the Commission was told at Brandon, Manitoba. Half of them went to the United States.

Morris Merrick, Executive Director of Dakota Ojibway Child and Family Services, said Indian people had no role in these decisions and no effort had been made to respect their culture or traditions. He called for release of the documents required to locate the children, funding for research and to assist people who wished to return to reserve life, compensation, and a formal public apology.

Two officers of Native Child and Family Services in Toronto described the vision of their agency to provide service on a model that respected the values of Aboriginal people, the extended family and the right of self-determination. One of their priorities is to ensure that Aboriginal children taken into care maintained contact with their biological parents; another is to use customary care agreements and healing as an alternative to conventional child welfare measures. They noted the irony, however, of being unable to access money set aside for Aboriginal people under the Federal Family Violence initiative, because their services are offered status-blind in an urban setting.

The agency expressed concern about Ontario regulations setting criteria for foster care because of the emphasis they put on a family's financial status. This point was also made by Ron Momogeeshick Peters, who described his efforts to regain custody of his two Aboriginal children from a former partner, not their mother, who earned a much higher income but was not Aboriginal.

Many of the comments about child care were linked to the problems faced by young mothers continuing in high school and by single parents trying to take training or post-secondary education. In Halifax, Christine Gibson, Co-ordinator for the Mi'kaw Child Development Project, outlined a comprehensive plan for a centre that would involve elders and train caregivers as well as providing a preschool program that included language, customs, legends and history.

Ms. Gibson said child care was needed on a 24-hour basis because 9-to-5 jobs did not exist any more. She recommended that child care rules and guidelines be developed to reflect the specific needs of Aboriginal communities and that Aboriginal leaders and communities lobby for Aboriginal child care rights.

Health Services

The discussion of health in Round Two was marked by sharp criticism of programs administered by the federal government. Intervenors called for health services to be under Aboriginal control and for services to be holistic, focusing on prevention and healing.

Evidence of the problems of Aboriginal health care came from every part of Canada. Nellie Beardy, of the Sioux Lookout First Nations Health Authority in Ontario, spoke of her community's experience of years of frustration, meaningless consultation, worsening health and deteriorating relations with the Medical Services Branch of the Department of National Health and Welfare. Ms. Beardy noted the MSB had administered health care services to her First Nations communities since 1945, but that they were still experiencing Third World health conditions.

She said overwhelming health problems had emerged in their area, and the incidence of disease for First Nations in any category was two to three times higher than the national figures. Diabetes mellitus has become recognized as a major disease among Aboriginal communities. In the area of Sioux Lookout, tuberculosis is running at a rate of 100 cases per 100,000 population compared to the national average of 8 cases per 100,000.

The problems raised in Round Two included the inadequacy of mental health services in Aboriginal communities; limited access to chiropractic services; the refusal of federal and provincial governments to fund home care in reserve communities; the need for public education; the need for more

Aboriginal health care workers at all levels; and the excessive turnover of health workers in remote communities.

At Ile-a-la-Crosse, the Area Director for the Métis Society of Saskatchewan, Max Morin, spoke of the lack of health facilities for Métis people in northern Saskatchewan. Hospitals were just about falling down; some communities did not have health clinics; and community health workers paid part-time were working 24 hours a day. At La Loche, the St. Martin's Hospital administrator told the Commission that 70 patients a day were coming to her eight-bed hospital, with only one doctor in attendance. After 10 years it was still operating from temporary mobile units; there were no plans for a permanent structure.

Dr. Jonathan Sheehan, a health practitioner at the Sagkeeng First Nation in Manitoba said that poverty was the major health issue for Aboriginal people in Canada along with isolation, lack of education, and racism. Again and again, he had seen people fall through the cracks and be denied services to which they were entitled, because the provincial and federal health care systems shared responsibility for Aboriginal people and were both trying to save money. The solution was to have one government agency responsible for Aboriginal health care controlled by Aboriginal people.

In Cranbrook, British Columbia, Sophie Pierre, Administrator of the Ktunaxa/Kinbasket Tribal Council, also called for the responsibility for health services to be transferred to Aboriginal people. She said Aboriginal people have a right to the same high quality of health care services that mainstream Canadian society receive, but they are not getting it. She put the blame on inadequate funding and on the restrictive policies of the Department of National Health and Welfare concerning Aboriginal control of Aboriginal wellness.

Her definition of wellness was holistic and reflected a view offered by many intervenors. "Wellness encompasses all areas of human development that affect the physical, emotional and spiritual well-

ness of our people," she said. "If any of these facets is in need of healing, a complete range of related solutions is necessary."

The horrendous experiences of Aboriginal people have led to a deficient and detrimental emotional and social environment, she said. But the policies of the Department of National Health and Welfare are typically imposed without consultation on Aboriginal needs; they cause more harm than relief. Bureaucracy consumes a major share of the resources available, leaving Aboriginal communities with the task of managing foreign programs with inadequate funding.

Many intervenors called for greater acknowledgement and acceptance of Aboriginal concepts of health, treatment, medicine and healing. How this can differ from non-Aboriginal concepts was spelled out at Wendake by Rose Dufour, a community health specialist with the Centre Hospitalier of Laval University. The non-Aboriginal approach establishes a dichotomy between the physical and the spiritual and conceives of the body as a machine, she said, whereas in the Inuit tradition the physical and the spiritual are intimately linked and human beings are integrated with their society and their environment.

Ms. Dufour said different concepts of the body have led to different approaches to medicine, different treatments and different pharmacology. Hence culture is not at the exterior of questions of health but very much at the centre.

This analysis was reflected in comments by Henoch Obed, an Inuk addictions worker and counsellor who appeared at Nain. In his words, "Full recognition of Inuit Aboriginal rights and promotion of cultural health, pride, strong identity must be a pre-condition to good effective emotional, spiritual, physical and mental health upon which all other services are founded."

A holistic Algonquin model of health, Le Cercle de Santé Algonquin, was put forward at the Val d'Or hearing. This approach links together the well-being of the spirit, heart, body, family, groups, com-

munity, nation and earth and is now being used as a model for health animation in larger communities. Ghislain Beaulé of the Abitibi Témiscamingue Health Authority said such a model creates a better environment in which to bring about changes in all aspects of community life. The community should direct itself toward a total takeover of health services, but this should include collaboration with outside service partners.

Intervenors from Grand-Lac-Victoria spoke at Val d'Or of their community's success in developing health services despite federal reluctance to fund their initiatives because they were not organized as a reserve. The same problems were recounted at Nain by Iris Allen of the Labrador Inuit Health Commission, which, she said, is one of only two Aboriginal groups in the country to administer a comprehensive non-insured health benefits program. The Labrador Inuit Health Commission intends to amalgamate all health programs under an Inuit-controlled community health department, including the operation of nursing stations in Inuit communities.

Ms. Allen noted that issues of jurisdiction and eligibility had created funding difficulties for the program as well as policy barriers. She recommended that the federal government make an interim decision on the eligibility of Labrador Inuit for health and social programs while awaiting the results of the land claims process.

Several intervenors spoke of the difficulties of securing funding for healing centres and holistic treatment centres. At Davis Inlet, Peter Penashue, President of the Innu Nation, said efforts to get assistance from the federal Department of National Health and Welfare for a long-term family treatment centre had been turned down, primarily because the Innu did not fit neatly into the *Indian Act* and could not apply.

Clarence Daniels of the Dakota Ojibway Tribal Council spoke in Brandon, Manitoba, about the need for a bilateral health arrangement, eliminating provincial responsibility. He suggested there could

be major cost savings if health benefits were "de-insured" and decisions were controlled by the Aboriginal community. This would not create a precedent because the military and the RCMP were already under this kind of arrangement.

At Old Crow, Yukon, Mary Jane Moses, a community health representative, said the turnover of nurses in that community was so high that some stayed only for three weeks. However, nobody local had gone to study nursing. Heather Clements, a non-Aboriginal nurse who appeared in Toronto, suggested that Aboriginal people be funded by their communities to become doctors and nurses on condition that they return to their communities to work for a number of years. She also suggested that more care be provided by community health workers in remote areas, with nurses taking a supporting and consulting role.

In Halifax, Tuma Young of the Micmac AIDS Task Force put forward a comprehensive set of recommendations about AIDS that flowed from a recent national meeting. His proposals covered funding and service delivery and included providing access to traditional healing and healers, hospices, and after-care. He recommended education on HIV/AIDS that incorporates other social and economic issues facing the Aboriginal population, and the establishment of a national Aboriginal AIDS organization.

A number of young people expressed concern about AIDS, particularly in northern Canada, and urged that Aboriginal leaders take the problem seriously. At the Yellowknife youth forum, Maggie Sanders, a 22-year-old Métis woman, told the Commission that the Northwest Territories has 10 times the rate of diagnosed sexually transmitted disease (STD) of any province in Canada; half the diagnosed cases are among women, compared to 10 per cent to 15 per cent in the rest of Canada. She linked these statistics to the large Aboriginal population in the Territories:

AIDS is yet another plague coming our way that will be endured by the Aboriginal people, like smallpox, alcohol abuse and family violence.

Alcohol and substance abuse, poverty, lack of adequate housing, illiteracy, child sexual abuse, family violence, low self-esteem and general community dysfunction are at the root of the general lack of self-protection and self-worth necessary for individuals to practice safer sex. When you feel hopeless and helpless and don't give a damn whether or not you wake up tomorrow, the last thing on your mind is safe sex.

The problems of Aboriginal people with disabilities were raised during Round Two of the hearings, but not extensively. In Tobique, Wendall Nicholas and Mae Perley reported on an advocacy program for the physically disabled people sponsored by the Union of New Brunswick Indians. People with disabilities were often not able to access buildings, programs or services even for programs that were paid for federally on a per capita basis, they said. The community should help create greater awareness of what people with disabilities could contribute and were willing to do.

Problems of access were also raised in Whitehorse by Judi Johnny of the National Aboriginal Network on Disabilities. She blamed both Aboriginal and non-Aboriginal governments and noted that people with disabilities suffered from sexual abuse and violence as well as discrimination.

Isabelle Smith, a counsellor with the Saskatoon Indian and Métis Friendship Centre, spoke of the problem of racism in institutions where disabled Aboriginal people were living. Disabled people were prohibited from burning sweetgrass. There were no Aboriginal nurses' aides in nursing homes in Saskatoon and no one who spoke an Aboriginal language.

At Ile-a-la-Crosse, Gary Tinker, of Northern Disabled People, said that the biggest problems for handicapped Aboriginal people in the North are the lack of services and the lack of education and information. He said people who are disabled could get services by moving to southern Saskatchewan, but their people are in the North and they do not want to leave their communities. Other intervenors

identified housing and the need for independent living as issues for disabled Aboriginal people.

Suicide

Suicide in Aboriginal communities was viewed as a major problem at a number of hearings and by many of the young people who took part in Round Two. Rates of suicide far above the national average were commonly reported.

Donna Roundhead, of NODIN Counselling Services, who spoke at Sioux Lookout, Ontario, said the suicide rate in her region was seven times the national average, and that in the past six years nearly 800 serious suicide attempts had been seen at the Sioux Lookout Hospital. The Nishnawbe-Aski Nation had declared a state of emergency because of the escalation of youth suicides. She supported the call by the Nishnawbe-Aski Nation chiefs for a federal inquiry into the suicides because such an inquiry would provide awareness of the crisis and help the community to assume ownership of the problem.

Tara Perley of the Tobique First Nation cited statistics showing that the suicide rate for male Indian young people was about five times that of other Canadians of the same age, and that for young Indian women the disparity was seven and one-half times. She said:

Too many Indian youths find this life devoid of meaning and worth little, whereas death is a way of finding peace and reunion with glorified ancestors. Suicide is often viewed as a brave, heroic act. Self-destructive behaviour becomes a learned and rewarded pattern.... This frame of thought is a fallacy, and this conception of martyrdom should not be construed as an acceptable belief or fostered on a perpetual basis.

At Davis Inlet, George Rich of the Innu Nation said that in the past year, 46 people, out of a population of about 500, had attempted suicide. He said the community had met many times to discuss the creation of its own treatment centre. Such a centre should treat the whole family on a holistic basis,

because once one family healed, the whole community would start to heal itself.

Many intervenors in Inuit communities spoke about suicide. Mayor Johannes Lampe of Nain noted that there were about 30 attempted suicides in the community in an 18-month period, all involving alcohol. Counselling services are inadequate, and the community needs a crisis line and volunteers to run it.

At Rankin Inlet, intervenors spoke of how suicides have an impact on whole communities, not just on individual families. Paul Williams, an Anglican priest, said the tragedy was that "before we have had a chance to deal with the suicide, news arrives of another one.... There are so many negative feelings arising out of suicide that entire communities shut down in shock...practically speaking, the entire town needs some form of professional help in trying to deal with the suicide."

Mr. Williams said that at present the community has only stop-gap solutions. The territorial government has appointed one suicide officer to serve two regions, but flying in a psychologist for a few days does not help when the problems created by suicide might last for months. He recommended that individuals from each community be trained to deal with suicide and its prevention and with grief management and that the elders with their knowledge of prevention be involved. The way to stop suicide is to provide hope; there needs to be good housing, jobs, and knowledge that someone cares.

Angie Kabluitok, operator of a suicide crisis line in Rankin Inlet, emotionally described the pain and guilt felt by children, family members and friends when suicide occurs. She said she felt guilty if she was seen crying for her husband after he committed suicide, and that she felt she was a burden to her parents and to her community. It took her three years to realize fully that her husband was gone. Her recommendations included talking to people you trust, letting friends know you are there for them, not joking about suicide, and sharing with others who have lost family or friends to suicide. A crisis telephone line should be available 24 hours a day.

Karen Acorn, a suicide prevention officer based at Rankin Inlet, noted that the suicide rate in the Northwest Territories was three times the national average and estimated that seven people were affected for each suicide that took place. She believed that suicide could be prevented in the majority of cases with adequate information and skilled development. But the solutions lie with communities and this is not a problem that government alone can solve.

Addictions

As in Round One, there was widespread concern during the second round of hearings over the problems of alcohol and drug abuse. Issues related to alcohol were raised frequently by youth and at Inuit and Innu communities in northern Canada, and they were linked by some intervenors to the responsibilities that Aboriginal people will be assuming with the coming of self-government. John Maksagak, an Elder and Commissioner of the Day, put his concerns in these words at Cambridge Bay:

As Inuit people, we must fight alcoholism...change our lifestyle...[we] will be governing Nunavut and must get away from this alcoholism...it will destroy [us] if we keep on going. If the youth are going to rule our government, we must teach them the right way to live.

The extent of the problem was evident from several briefs and interventions. At High Level, Alberta, John Loftus, of the Action North Recovery Centre, stated that over 2,000 people had been arrested for drunk and disorderly conduct in High Level in 1991 – more than in Lethbridge, a city 20 times its size. He said the centre's residential recovery programs were running far over capacity and that 90 per cent of the clients were Aboriginal.

At the Yellowknife youth forum, teenagers Tonya Maklitzos and Pamela Norwegian cited statistics to suggest that 85 per cent of the students present would be addicted to drugs or alcohol by the year 2000. Yet Brenda Bernhardt-McNabb, of the Northwest Territories Council of Friendship

Centres, said that the shortage of funding forced friendship centres to fund their alcohol addiction programs by promoting another addiction – bingo.

At Old Crow, several intervenors discussed the impact of their community's recent decision to impose prohibition. Although they were generally in favour, they spoke about the divisions the decision had created in the community. One intervenor stated that prohibition had resulted in a lower crime rate in Old Crow. Another, Marion Nukon, asked for a support network to reinforce the community's decision to impose prohibition that would include youth camps, recreation facilities and alcohol addiction services.

Inadequate funding for addictions counsellors and for treatment centres was an issue at a number of the hearings. Intervenors identified a need for prevention programs directed to the Aboriginal community as well as for Aboriginal detox centres and for more Aboriginal staff at existing centres. Burnout and high staff turnover were mentioned as problems by a number of addictions agencies. Representatives of the drug and alcohol abuse centre at the Sagkeeng First Nation said per diem payments to Aboriginal agencies providing treatment were lower than for non-Aboriginal institutions and that salary scales were also lower.

Henoch Obed of the Labrador Inuit Alcohol and Drug Abuse Program, noted that many treatment programs for addictions were in English and were designed for white society or based on Indian culture and solutions. In the past year, his group had begun to develop treatment programming that included more cultural teaching and materials based on the Labrador Inuit experience.

In Northwestern Ontario, several intervenors raised the problem of how to enforce restrictions on drugs or alcohol which had been enacted by First Nations communities. If band constables did not have the right to search, then efforts to keep alcohol off a reserve could fail. This was not the case at one community, however. At Big Trout Lake, Chief Stanley Sainnawap told the Commission how his community had acted collectively to stop a non-

Aboriginal drug dealer bringing drugs back into the reserve. He said the dealer had sued the reserve under the *Canadian Charter of Rights and Freedoms*, but lost, and is now serving a term in jail.

At Davis Inlet, Simeon Tshakapesh called for support groups to help break peer pressure along with long-term prevention programs. Help should be provided for all family members to deal with alcoholism, and more understanding was needed about the addiction of gas sniffing. Chief Katie Rich noted that there are no treatment centres for children suffering from gas sniffing. Yet of 42 children with this addiction, 17 are chronic.

A number of intervenors recommended the development of healing lodges or bush camps in order to treat alcohol abuse by bringing young people closer to their traditions and culture. These would provide a setting for elders to teach life skills.

Drug abuse was mentioned at a number of the hearings. In Halifax, Valerie Firth, co-ordinator of the Main Line Needle Exchange program, described her agency's services and noted that youth are one of their target groups. The problems they encountered include addicts looking for treatment being sent to jail, the lack of access to services to deal with underlying issues such as sexual abuse, and the lack of support in the school system. Ms. Firth spoke of the need for healing and for a trusting environment that can help people get the services they need and where youth have a place to gather.

Housing

Problems with housing in Aboriginal communities were raised at many of the hearings in Round Two. The main issues raised were housing standards, crowding, inadequate funding, and problems experienced by Aboriginal communities and organizations in dealing with government, particularly with Canada Mortgage and Housing Corporation (CMHC). The federal government's rural and Aboriginal housing program was criticized as inadequate because it makes no special provisions for Aboriginal people. Intervenors said CMHC's rent-to-

income scales were unrealistically high in Aboriginal communities.

In Toronto, Randy Tindale, of Gabriel Dumont Non-Profit Homes, told the Commission how his group's operating relationship with CMHC had broken down. He blamed a power imbalance between the two groups which has led to destabilization and manipulation of the rules by bureaucrats. Mr. Tindale suggested the appointment of a federal ombudsman to deal with grievances against federal agencies.

At Brandon, Alex Venne, of the Manitoba Métis Federation (MMF), Southwest Region, said the Federation was still encountering difficulties in providing housing for Métis people in Southwestern Manitoba after years of frustrating negotiations. CMHC kept changing the criteria for eligibility and had failed to provide training so that Métis people could build needed houses in their communities. CMHC used outside contractors to do work that could have been done by community residents, and outside inspectors whose work could have been carried out by the MMF. Mr. Venne recommended that both CMHC's home ownership program and its lease-purchase program be reinstated.

Overcrowding was a particular concern in Inuit communities. Public housing units were overcrowded and substandard, the Commission was told. Rankin Inlet had a waiting list of nearly 100 families for public housing, according to Elizabeth Palfrey of the Keewatin Regional Health Board, even though it was the region's wealthiest community. People lived with friends and relatives with as many as 19 persons in a three-bedroom unit, so many that they had to sleep on the floor in shifts. Ms. Palfrey linked poor housing to social problems such as alcohol and drug abuse, family violence, problems of poverty and poor health.

Joe Ohokannoak, Mayor of Cambridge Bay, called for training for Inuit carpenters, electricians, and other trades to be negotiated with CMHC. This would lower the costs of new housing as well as provide jobs for Inuit. He also welcomed the progress in getting small locally owned businesses estab-

lished in the community to take the place of larger contractors.

At the same hearing, Kelvin Ng, of the Kitikmeot Regional Council, noted that a majority of the population was housed in social or public housing. He said the housing quota should keep up with population growth and suggested that higher income families should become private home owners to free up social housing for families on low incomes.

Housing conditions were a major concern at the hearings in Davis Inlet. Chief Katie Rich said the community had been promised water and sewer services when they relocated to Davis Inlet in the 1960s, but none of the Innu houses has been serviced except for three that were recently built. Millions of dollars have been spent on studies to solve the problem, but there is not enough water available to supply the village and no room for it to expand. Chief Rich said relocation of the community to a new site on the mainland was a first priority so that people could get adequate housing and regain control over their lives.*

Aboriginal Veterans

Canada's treatment of Aboriginal veterans was strongly criticized during the second round. Intervenors spoke of being denied benefits that were routinely offered to non-Aboriginal veterans and of resettlement money for Aboriginal veterans being held back and paid to the Department of Indian Affairs and Northern Development. Aboriginal veterans who wanted to accept 160-acre veterans' land grants after the Second World War were required to become enfranchised and to renounce their Indian status. If they remained on their reserve they got only 10 acres.

Frank Sam, of the Ktunaxa/Kinbasket Veterans, said he was refused permission to join the Canadian Legion and was arrested for participating in a Remembrance Day parade. Another veteran who

* In February 1993, the federal government announced that the Davis Inlet community would be relocated to a new site on the mainland of Labrador.

appeared at Cranbrook, Wilfred Jacobs, spoke of a special camp in Vernon – known as the “zombie camp” – where Aboriginal men were held against their will until they volunteered for overseas service, even though they were not meant to be conscripted.

In Kenora, Reuben Wasacase presented the results of a study on Aboriginal veterans prepared by the Ne-Chee Friendship Centre. It found many examples of veterans not being informed of their land entitlement or other benefits. Aboriginal veterans were excluded from medical entitlements because their medical condition was not checked upon discharge, and they could not prove their medical condition was the result of combat. Housing for veterans on reserves was non-existent, and the Department of Veterans Affairs (DVA) refused to provide any compensatory benefits.

Mr. Wasacase said the study had been submitted to DVA in 1991 but no response had been received. He recommended that there be more information provided on veterans' benefits, that access to DVA representatives be improved, and that the conflict between DVA and DIAND jurisdiction be resolved.

In Saskatoon, Gordon Ahenakew, of the Saskatchewan Indian Veterans' Association, and Claude Petit, of the Métis Veterans, recommended that compensation or land be provided to Aboriginal veterans to make up for their not receiving benefits to which they were entitled in the past.

Communications and Broadcasting

The importance of communications to Aboriginal communities, and the precarious state of Aboriginal broadcasting and other media, were raised at a number of the hearings. Intervenors were concerned that broadcasting in Aboriginal languages was not a priority for Aboriginal political leaders and that it would be overlooked under Aboriginal self-government.

Appearing on her own behalf in Yellowknife, Catherine MacQuarrie argued that Aboriginal com-

munications are fundamental to the advancement of Aboriginal people and their communities. She found it unacceptable that funding had been cut or even eliminated and that so much of the work had to be done with volunteer or with poorly paid staff. No society or culture in the world could expect to survive without a strong communications service.

Ms. MacQuarrie, who is Executive Director of the Native Communications Society of the Northwest Territories, said that Aboriginal media were hugely popular in Aboriginal communities. She noted that many stories significant to Aboriginal people, such as the church and residential schools and the Donald Marshall inquiry, had originated in the Aboriginal press long before the national press picked them up.

All Aboriginal governments should adopt the principle that there be independent and publicly funded Aboriginal communications service available to their people, she said. This principle should also be legislated in the *Broadcasting Act* and in the federal government's treaty and land claims negotiations with First Nations. Core funding for Aboriginal communications should be adequate and stable, and should be fairly distributed so as to give a voice to all Aboriginal people, regardless of status, gender or location.

These views were echoed at other hearings. At Nain, Fran Williams of the Okalakatiget Society said the Society's Inuktitut radio and television programming was crucial to ensuring survival of the language. This need had increased with the introduction of cable to the region two years ago and the influx of English programming that went with it. The Society is continuing to increase its programming in both radio and television, but it has been unable to hire more staff because of budget cuts and has not given its staff a salary increase since 1986. Its equipment is so old and outdated that in some cases parts are no longer available, but the Society could not afford to pay for replacements.

Bud White Eye, of Native News Network of Canada, said in Toronto that cutbacks in funding have eliminated training programs for Aboriginal

journalists such as those at the University of Western Ontario and at Arctic College in the Northwest Territories. It has also eliminated opportunities for apprenticeship and for employment. Aboriginal people are under-represented in the mainstream media and are often subject to the last-hired, first-fired syndrome. Most of a group of 170 Aboriginal journalists whom he had surveyed across Canada are unemployed.

Mr. White Eye recommended that the central importance of effective communications be acknowledged. He urged that there be immediate efforts to revitalize Aboriginal communications societies and that funds be provided to develop Aboriginal communications and the training of Aboriginal journalists.

Racism

Racism directed against Aboriginal people was raised as an issue at many of the hearings in Round Two, particularly by Aboriginal youth. The experience of intervenors was that racism is systemic and widespread. It exists in schools, workplaces, the justice system – in almost every non-Aboriginal institution.

Intervenors questioned the effectiveness of affirmative action policies or concluded that they had failed. They raised numerous examples of mainstream institutions failing to be sensitive to Aboriginal cultural values. A number supported the concept of cross-cultural training to increase the awareness of Aboriginal people, along with the need for education about racism in the schools. The Northwest Territories Federation of Labour spoke of the role of unions in combating racism and acting as agents of change.

The issue of racism came to the surface at a round table of Aboriginal and non-Aboriginal students held at St. Patrick's High School in Yellowknife. One non-Aboriginal student complained about the special status accorded to Aboriginal people in the Northwest Territories, citing the examples of free education and job preference. He contended that

tradition and culture should be taught at home and not in the schools, and that Canada should be one society and reject the concept of Aboriginal self-government. This provoked a vigorous response from other students to the prejudice inherent in the statement.

Asked for ideas about how racism might be overcome, the students discussed the inadequacy of their high school's northern studies program and the importance of having Aboriginal role models. They proposed the creation of cultural camps and the inclusion of more Aboriginal ceremony and other forms of cultural exchange in the schools.

In Halifax, the Commission was told that stigmatization and racism were among the reasons why prostitutes found it difficult to leave the street. Andrea Currie, of an agency called Stepping Stone, called for the creation of Aboriginal-specific services and for priority to be given to anti-racism work. At a round table on urban issues a representative of the Black Learning Centre talked of the difference between the black and Aboriginal populations. Black people were lobbying to be part of the mainstream system, he noted; the Aboriginal population had rejected the system and wanted to develop its own.

One of the ideas offered for encouraging cross-cultural contact was to create more events to celebrate different communities, such as Black History Month. Alexa McDonough, leader of the Nova Scotia New Democratic Party, noted the establishment of Treaty Day in Nova Scotia as an example. The ceremony was ignored by the province's political leaders the first year it was held, but subsequently they all wanted to attend.

Margaret McCullough, of the Yukon Human Rights Commission, said the Commission had dealt with barely a dozen formal complaints of discrimination brought by Indian people since it was set up in 1987. Although low, she said, this number was not proof that there was little discrimination but rather seemed to indicate that Aboriginal people were reluctant to look to an outside agency to resolve what they saw as a personal dilemma.

The Chief Commissioner of the Saskatchewan Human Rights Commission, Theresa Holizki, said anti-racism policies must be enforced and called for a long-term plan focusing on the failure of the education system for Aboriginal children. "Systemic racism, which is unintentional and built into the system, is extremely difficult to remove," she said. "To remove the systemic racism we must start with systemic change."

Education

Residential Schools

One of the central themes during Round One of the hearings was how Aboriginal peoples and communities continue to suffer today from the forced removal of Aboriginal children to residential schools through most of the past century. That impact is felt in the loss of Aboriginal language and culture, in family violence and other dysfunctions, and in the loss of Aboriginal identity.

Concern about the devastating effect of residential schools was again expressed during Round Two, but to a lesser extent than in Round One because the focus of the hearings had shifted to solutions. Some people still came forward, however, to testify to how their experience of residential school had disrupted their lives. In Rankin Inlet, Northwest Territories, for example, Marius Tungilik shared his traumatic experience of attending such a school in 1963. He spoke of not being able to speak his language, of rotten food, of sexual abuse and beatings, and gave other examples of physical and mental abuse. Mr. Tungilik called for a public inquiry to determine why more than 100 Inuit children were sent to the school in Chesterfield Inlet and subjected to such treatment. He said resources should be made available to assist in the healing process.

At Cambridge Bay, an Inuk elder, John Maksagak, told how he had gone for five years without seeing his parents when he attended residential school at Shingle Point in the 1930s. "When I came back, I could not speak my own language," he said.

"Sometimes I cried because I couldn't talk to my mum, and she couldn't understand what I was trying to do."

At Fort Alexander, Manitoba, the Commission held a special consultation on the issue of residential schools with a panel that included two Catholic priests, Aboriginal community leaders and members of the Sagkeeng First Nation who had had personal experience in residential schools.

There was widespread agreement that the effects of residential schools were still felt in Aboriginal communities today. As solutions, members of the panel called for a formal apology from the four denominational church groups that had run residential schools and from the government of Canada. Steps should be taken to ensure that the residential school experience becomes a matter of public record. Aboriginal people who attended these schools should receive financial compensation for their loss of culture, language, family, heritage, traditions and livelihood.

Another solution would be to provide assistance using traditional and non-traditional therapeutic forms of healing. It is important to instill positive attitudes and self-esteem into Aboriginal children, particularly those affected by the continuing, inter-generational cycle of the residential school syndrome.

The recurring effect of residential schools was also raised at other hearings. In Saskatoon, Cindy Sparvier, a social worker at the Joe Duquette High School, explained that abuse is now recognized as a cycle. The victims who were emotionally, physically and sexually abused in residential schools often grew up to be abusers themselves. Their access to positive parenting was taken away and this caused additional problems.

Asked to compare Indian children with Métis children who were not sent to residential schools, Ms. Sparvier responded that while Indians were victims of residential schools, Métis were victims in another way. They suffered through the ordeal of

not fitting in with either Indian communities or white communities. This led them to questions about their identity. They suffered from colonization and racism as well as from the problems related to lack of a land base.

Colleen Wassegiijig, an Aboriginal liaison officer with the Scarborough Board of Education, talked of the difficulties in encouraging Aboriginal parents to become involved in their own children's education. She made a connection between this apparent apathy and the effects of residential school syndrome, and recommended that a task force be set up to examine the issue.

In Yellowknife, Sister Marie Zarowny, of the Roman Catholic Diocese of Mackenzie, said the Diocese was carrying out a study of residential schools and that its preliminary findings suggested that physical and sexual abuse likely occurred. The church had appointed a sister trained as a psychologist to make counselling services available to victims. The Diocese recognized, however, that some people would prefer not to be counselled by a person affiliated with the church and was also prepared to support outside counselling.

At the Timmins hearing, Chief Edmond Metatawabin spoke of an initiative by the Fort Albany First Nation to bring together former students from the St. Anne's Residential School in the summer of 1992. The purpose was to record testimonies and to provide a basis for future healing.

The inquiry found that the system went horribly wrong for many children and that some still suffered as adults. The histories that had been disclosed included sexual abuse, use of an electrified chair as punishment, and the story of three boys who ran away from St. Anne's and were never seen again. Chief Metatawabin recommended that the case of the three missing boys be investigated and that there should be a memorial service for them. An independent commission should be set up to pursue the inquiry, he said, paid for by the federal government and the church.

Elementary and Secondary Education

The state of Aboriginal education and how to improve it attracted more attention than any other social issue during Round Two of the hearings. As in Round One, there was almost universal agreement among intervenors on the need for more Aboriginal control of primary and secondary education, curriculum that was more culturally appropriate, more emphasis on Aboriginal languages in school, traditional skills and activities integrated into the school program, and greater use of Aboriginal teachers.

A primary concern at many of the hearings was the high drop-out rate of Aboriginal students. Stephen Kakfwi, N.W.T. Minister of Justice and Aboriginal Affairs, said that the Northwest Territories had the best schools of any Aboriginal communities in North America, but only 3 per cent of Aboriginal people finished high school.

Reasons offered for the drop-out rate included racism, Eurocentric curriculum, lack of self-esteem among Aboriginal students, the lack of understanding among teachers about Aboriginal peoples, and lack of resources and adequate facilities. In the North, the problems faced by students who had to leave small communities to attend high school were frequently cited.

Two high school students in Yellowknife, Judy Young and Leah Campbell, suggested that the high drop-out rate was also a result of ineffective teaching methods and of peer pressure not to excel. They called for community-centred schools that would help Aboriginal students feel more comfortable. School schedules should be set by each community and should be matched to the natural cycle. Empowerment would lead to higher success for Aboriginal students and to higher self-esteem.

At Brandon a group of Native Studies students from Crocus Plains Secondary School spoke of the need for Aboriginal communities to heal from past

injustices and asked for counselling to be provided within the school system. They recommended that sufficient resources be provided to schools on reserves to bring their standards up to the level found in urban areas. Funding should be provided for English as a second language where necessary. Culturally relevant counselling should be provided to help youth with problems such as abuse and suicide, and there should be more culture and language programs to provide urban Aboriginal youth with a strong sense of identity.

At Davis Inlet, Raphael Gregoire gave details of the Innu Nation's efforts to gain control over the local school in Sheshatshiu and explained why the Innu were establishing their own education authority. "We believe strongly that we have the right to determine our own future and that right includes the right to become educators of our own children," he said. "We cannot relinquish that right, because if we do that, the future of our children could be in jeopardy."

Mr. Gregoire said the policies of the Roman Catholic School Board bordered on assimilation of the Innu child. An Innu curriculum centre had been set up, but so far it was only translating English learning materials into Innu. Local control would provide Innu children with a stronger sense of identity and would give them the option of going on to further education, or of being trained in traditional hunting and trapping skills.

A number of intervenors at Old Crow expressed concerns about young people being sent to Whitehorse to attend high school. They asked for a high school to be provided in their community and urged that its program include schooling in traditional activities. Don Sax, an Anglican priest, noted that there was confusion across North America about what the content of education should be:

It is obvious by the statistics in the cities that the educational system is not meeting the needs of the urban youth. It is certainly highly unlikely that such a system is going to meet the needs of the youth in the North.

One of the issues raised almost everywhere in Round Two was the need for more Aboriginal teachers. Problems of high turnover among non-Aboriginal teachers were common. Many of these teachers were inexperienced and had little knowledge of Aboriginal life. At Cambridge Bay, Larry Aknavigak, deputy chairperson of the Kitikmeot Board of Education, noted that less than 20 per cent of the teachers were Inuit. Having more Inuit teachers was important because they would serve as role models; they would understand the needs of Inuit students better, and they would provide continuity in the educational system. The board's goal was to have 50 per cent Inuit teachers by the year 2000, and it hoped to have its own teacher education program.

Don Robertson told the Commission that a program of on-site Aboriginal teacher training run by Brandon University had been cut because of reductions in federal funding. The greatest effects of the cuts had been on Métis and non-status students. Overall, the university had graduated 600 Aboriginal teachers in 20 years. A similar program in Saskatchewan, which was reported at the hearing in Saskatoon, had graduated 222 Aboriginal teachers in the last decade. A third program in northern Saskatchewan had raised the proportion of northern Aboriginal teachers from 3 per cent to 24 per cent since 1976, it was reported at Ile-a-la-Crosse. However, an additional 600 Aboriginal teachers were still needed in northern Saskatchewan.

The need for instruction in Aboriginal languages was a common theme, as was the difficulty of finding instructors who were both fluent in their language and able to teach. A number of intervenors complained that language instructors were poorly paid because they did not have teaching credentials. The use of elders was recommended to teach languages and traditional skills and culture.

Language also presented problems for Aboriginal students whose first language was not English or French. At La Loche, Greg Hatch, a school principal, estimated that 97 per cent of the students were in this category, but said that they were also

weak in Dene, their Aboriginal tongue. In Slave Lake, the President of the Northlands School Division, Manny Chalifoux, noted a contradiction in the Alberta government's policy with respect to funding English as a second language ESL. Even though the first language of most children in the Northlands School Division was Cree or Chipewyan, they were not eligible for funding under the provincial (ESL) program. An additional \$640 per year was provided under the program, however, for two immigrant children whose first language was German.

Many models were put forward for reshaping and reordering the education of Aboriginal youth. Some reflected programs already in place, others were ideas for the future. One example was the Northlands School Division, which brought together schools from 24 communities under one elected board, a majority of whose members were Aboriginal. Mr. Chalifoux cited a number of programs that had begun since the board became an elected body in 1983. These included Aboriginal language policies and programs, training and in-service programs for Aboriginal teachers and para-professional staff, and cross-cultural training for non-Aboriginal staff.

He said the school division had problems because of a lack of cross-cultural awareness and because most of the teaching staff were non-Aboriginal. This affected those initiatives that were not similar to initiatives in other provincial jurisdictions.

At La Loche, the Dene High School principal, Steve Innes, outlined cultural programs that had been initiated at his school. These included language classes in Dene, the participation of elders, and field trips to traditional fishing camps. He said education should be relevant to the community and focus on job fields that were lacking in La Loche, rather than preparing students only to acquire a post-secondary education.

In Cranbrook, Gwen Phillips Clement of the Ktunaxa Independent School system outlined a plan for community-based early education in Aboriginal languages beginning at age 1 and con-

tinuing to age 10. Members of the community would assist in the schools one day a week. Pupils would be introduced gradually to English only instruction.

Ms. Phillips Clement said Aboriginal schools should seek to balance traditional and non-traditional education. Non-Aboriginal school programs should include compulsory education in Aboriginal history, rights and culture, and the training of professionals such as doctors and lawyers should include cross-cultural education.

In Saskatoon, Gloria Mehlmann and Karon Shimon, members of the provincial education department's Indian and Métis Advisory Council, noted that Indian and Métis pupils were expected to increase from 18 per cent to 30 per cent of Saskatchewan's school-age population by the year 2006. They said the province had adopted a policy that required the inclusion of Indian and Métis content in all core curricula for all students in Saskatchewan, along with evaluation of new instructional material to deal with stereotyping, bias, racism, and other inaccuracies. This policy did not extend, however, to books and materials already in the schools.

The implications of self-government in education were explored at the hearings in Wendake, Quebec. The Montagnais Cultural and Educational Institute proposed that these powers include the authority to accredit programs and courses, and also suggested formation of a francophone Aboriginal institution in Quebec similar to the Saskatchewan Indian Federated College.

Another group, the Quebec Education Sector Managers' Association, proposed what it called a political approach through which Aboriginal school systems would make shared arrangements and arrange access to non-Aboriginal schools for their students through negotiation with the non-Aboriginal education system. The Association asked what would happen to existing non-Aboriginal schools and institutions located in territory that came under the control of an Aboriginal government. It also asked to what degree small Aboriginal

systems would be able to offer quality services at all levels of education.

Lise Bastien, of the Quebec First Nations Education Council, a school board serving 18 Aboriginal communities in Quebec, complained of a lack of co-operation from non-Aboriginal authorities and from the federal government. Half the students had special needs, but no funding was available for special education. In communities where students went to non-Aboriginal schools, their parents were excluded from parent committees and from having input or control.

Ms. Bastien said certain communities had decided not to follow provincial programs but to have their own system of accreditation and hiring. In these cases they had gone beyond simple administration of their education system to self-government.

At Maniwaki, Gilbert Whiteduck of the Kitigan Zibi Anishinabeg Council urged that the inherent right of First Nations to create their own education institutions be recognized by the federal government amending s. 114 to 119 of the *Indian Act*. He recommended the creation of a First Nations Education Act to ensure the development of local systems and a standardized curriculum that took cultural, linguistic and other differences into account. These systems should also have the legal authority to negotiate for services with provincial systems and local school boards.

Post-Secondary Education and Training

Many of the concerns raised in Round One with respect to post-secondary education and training were reiterated in the second round of hearings. These included the effects of the federal ceiling on support for Aboriginal post-secondary students, the problems experienced by students because of limited funds, and difficulties in accessing training programs provided through Canada Employment and Immigration.

There was again a general desire to see more Aboriginal influence or control over post-secondary

programs. This was accompanied in Round Two with a number of requests that post-secondary programs be brought closer to Aboriginal communities – particularly in the North. Literacy was raised as a problem hindering the successful completion of training and adult learning programs. Several intervenors noted the sharp increase in Aboriginal enrolment at their institutions, however. It went from 4 to 400 students at Lakehead University in Thunder Bay over a 20-year period, according to the University's President, and from 12 Aboriginal students in 1983 to more than 400 at the Nicola Valley Institute of Technology in British Columbia.

Educators from several institutions responded positively to Aboriginal demands for more control and for more culturally appropriate programs. In Whitehorse, Dr. Seth Seetham, President of Yukon College, called for a collaborative approach to education based on the acceptance that First Nations do not want to be assimilated and that they have their own historical realities. The education establishment needs system-wide changes to allow control of First Nations education with the First Nations peoples. Dr. Seetham said:

Curricula ought to incorporate the lifestyles, the life ways, the languages, history, culture and values of First Nations people. Access to traditional knowledge ought to be facilitated. This will be nothing short of redeveloping languages, rewriting history, rediscovering traditions, and rebuilding cultures. The perspective ought to be enrichment without assimilation, confluence of the positive from both sides.

At High Level, Alberta, Bob Fix, of Fairview College, said the educational process should be a true partnership between the College and the communities it served. The College felt the same sense of frustration as Aboriginal communities when dealing with government agencies which imposed changes from the top down and were insensitive to local needs.

Mr. Fix supported the desire voiced by many intervenors for programs to be offered on reserves or in

Aboriginal communities, noting that less than half of high school graduates who left their community to study actually completed their courses. If programs were offered in the communities, "we increase the level of family support, of community support. We have access to the elders. We have access to the teachers, and this maximizes the student's potential for success."

The problems of studying in a non-Aboriginal environment were voiced by two Aboriginal students at the Timmins, Ontario hearing. John Cheechoo, a social services student, said there was lack of balance in the current educational system. Although he had received good marks, he had to sacrifice his cultural experience and his language for the teachings of the non-Aboriginal world. This view was reflected by Tom Mills, who noted that there were no employment opportunities for him in his own community and that he sometimes wondered whether he should have left it to further his education.

Several intervenors expressed concern about the problems faced by Métis students who are denied the post-secondary support provided to status Indians and have to take student loans. At Ile-a-la-Crosse, Brian Favel of the Métis Society of Saskatchewan called the loans a form of financial oppression. Students returning home often did not find employment, yet collection agencies harassed them for payment and threatened them with being garnished if they took a job.

At Fort St. John, Diane Dokkie of the Saulteaux First Nation estimated that 40 per cent of Indian post-secondary applicants were refused funding because they did not fit the policies imposed by the Department of Indian Affairs and Northern Development. At Slave Lake, the President of Alberta Vocational College, most of whose students are Aboriginal, estimated that its enrolment could rise by 35 per cent if student funding were adequate.

At a youth forum in Sioux Lookout David Makahounuk, a student at Confederation College, talked of the financial squeeze affecting Aboriginal post-secondary education in the Northwestern

Ontario. He predicted enrolment of on- and off-reserve students would grow by 20 per cent per year but said that the Northern Nishnawbe Education Council had more than 100 post-secondary students on its waiting list with no real hope of giving them funding. Four remote communities were ready to establish distance education programs, but there were no funds for them to start.

Mr. Makahounuk noted that self-government had brought an increase in the amount of training needed by northern communities, and that programs in such areas as community management, community health worker and Aboriginal drug and alcohol abuse had all achieved post-secondary status. He believed the federal government should fund this kind of training because it helped the development of the self-government process.

Clarence Fournier, of the Beaver First Nation, gave an example of the problems created by government programs at the hearing in High Level. On-reserve upgrading programs that would permit adult students to go on to college did not qualify for federal or for provincial funding, he said. But upgrading programs off the reserve were impractical because they cost too much and they were disruptive for families. In addition, Canada Employment and Immigration had only a limited number of seats available.

Elsewhere, intervenors pointed out that Indian students wanting to take vocational training would not qualify for support under the Department of Indian Affairs and Northern Development post-secondary program. Some Aboriginal students were barred from Canada Employment and Immigration Commission (CEIC) programs because they were not receiving unemployment insurance, but they could not qualify for UI because of the lack of jobs in their community. A program devised for Aboriginal students by Fairview College had to be shut down because of CEIC insistence that at least 80 per cent of the students have guaranteed job placements when the program ended.

In Quebec and Labrador, CEIC was criticized for being secretive and for arbitrarily overruling deci-

sions made by advisory boards under the Pathways to Success program. At Nain, William Andersen, President of the Labrador Inuit Association, said his community had been unable to find out how CEIC had allocated \$800,000 in training grants for the area, despite repeated requests. But in Uashat, members of the Centre de Formation Nutshimiut Atusseun criticized the decentralization of CEIC funds to Indian bands because it had affected funding for the centre's program of education in Montagnais culture.

At Merritt, British Columbia, Commissioners visited the Nicola Valley Institute of Technology, an institution whose curriculum has been specifically designed to meet First Nations needs. Gordon Swan, of Nicola Valley Community Futures, put the Institution's approach in these words:

There is a strong sense of community, of respect for the individual and respect and care for the natural environment. Aboriginal history, culture and traditions are brought to the fore and celebrated. In such an atmosphere, students heal, work and make significant progress towards achieving their life's goals.

He said 90 per cent of the students found employment upon graduation.

Several other models of collaboration were offered during the hearings. Octave Deraps, head of the CEGEP at Sept Îles, Quebec, described how the college had developed an approach with its Montagnais students based on participation by the student community as well as the student and the college. The President of Lakehead University outlined the role of its Aboriginal Advisory Committee, a body that includes members of the major Aboriginal organizations in Ontario. The University has established a teacher training program at Sandy Lake that allows students to study in their community rather than moving to Thunder Bay.

Métis intervenors at Ile-a-la-Crosse described the success of the Gabriel Dumont Institute, which has successfully provided university technical pro-

grams to Aboriginal communities in northern Saskatchewan since 1983. At Wendake, Quebec, the Montagnais Cultural and Education Institute put forward a comprehensive plan for post-secondary education. Its proposals included a cultural policy intended to maintain the Montagnais language, an arts council, a francophone Aboriginal university, and joint bodies involving Quebec, DIAND, and Montagnais representatives to work on educational issues.

Justice

Intervenors in Round Two again expressed a strong desire for an Aboriginal justice system that would be autonomous, culturally appropriate, and community based. They criticized Canada's present justice system for being ethnocentric, oppressive and unfair and for focusing on punishment at the expense of healing.

Midway through the hearings the Commission paused for a three-day round table on Aboriginal justice which considered many of the same issues more intensely. Proceedings are being published separately.

At Big Trout Lake, Ontario, Garnet Angeconebe, of the Independent First Nations Alliance, spelled out an Aboriginal concept of justice based on First Nations communities, not just on individuals. "Justice in each community must respond to local needs and local culture," he said. "That inevitably means diversity in justice mechanisms. It means diversity in First Nations laws. That is what self-government in justice means."

Sharon Venne of the Saulteaux First Nation stated at Fort St. John, British Columbia, that Treaty and First Nations had never agreed to live by non-indigenous laws and that Treaty 8 would begin to assert tribal justice in relation to wildlife and conservation within two years. She said:

When indigenous peoples have attempted to assert our own laws the non-indigenous governments dismiss our cases. The non-indige-

nous governments can deny the existence of our laws, but as long as we know of their existence the laws will remain. Indigenous peoples exercise our laws daily. The way that we live as indigenous peoples is a testimony to the reality of the laws. Just as the sun rose this morning, so, too, do our laws exist.

At Wendake, Quebec, the First Nations Support Committee stated that Aboriginal self-determination must be absolute and not subordinate to Quebec or Canadian laws. Quebecers living in sovereign Aboriginal territories should be subject to Aboriginal laws, and a permanent forum should be created to enable Aboriginal and non-Aboriginal people to discuss shared concerns. At the same hearing, however, a Quebec City councillor contended that Aboriginal laws should be compatible with those governing the rest of Canada, and the Quebec Police Officers' Federation strongly opposed the idea of having two systems of justice.

Several models and proposals were offered as alternatives to the existing court and justice system. Margaret Ruda, an intervenor at North Battleford, Saskatchewan, put the alternative simply: the system should involve an informal setting, a judge, the offender, a community member, and one additional participant mutually chosen. It should address the offence, the punishment, and a solution to the problem.

At Rankin Inlet, Northwest Territories, intervenors emphasized that elders and the whole community should be involved in developing a justice system that worked, and the unwritten laws of the Inuit should be recognized. With a traditional legal system, the RCMP would still be involved in dealing with serious crime.

Garth Wallbridge, a Métis lawyer who appeared in Yellowknife, supported the concept of restitution. If police no longer tried to prosecute minor white collar crime, they should do the same for minor property crimes committed by Aboriginal people, he said. The money saved should be taken and used for crime prevention.

A number of intervenors supported the use of diversion projects or of alternative means of dispute resolution using elders or community members. There were many proposals to expand and enhance the Aboriginal court worker programs now operating in a number of provinces and to reinstate the court worker program in Saskatchewan.

In Saskatoon, Noble Shanks of Métis Family and Community Justice Services described the creation of Northern Peace Making Circles that would involve allowing the community to establish its own judicial or semi judicial bodies to deal with disputes. He cited a Métis review of the Saskatchewan justice system that was particularly critical of the fly-in court system. It concluded that the system showed no understanding of Métis people and that its judgements were one-sided.

Vital Morin, a Senator with the Métis Society of Saskatchewan, stated that the justice system could not deliver justice when it was inundated with the plea-bargaining process. "The system is not justice; we are charged, and all we know is how to plea guilty."

At Fort Alexander, Manitoba, Stephen Katz, a non-Aboriginal lawyer, suggested that the current system amounted to systemic discrimination against Aboriginal communities. Its imposition has eroded the integrity of Aboriginal tribal culture and its custom of resolving disputes by the healing of wounds and the restoration of social harmony. It has diminished the Aboriginal community's respect for its own traditions and values and has reduced the role of Aboriginal leaders in maintaining social order within their group.

Mr. Katz proposed the use of conciliation, mediation, and traditional Aboriginal methods as a parallel process to the existing circuit court system. Communities would have to agree to participate and so would both the accused and the victim. Such a change would reduce costs and eliminate delay in dealing with disputes, he said, as well as making justice more accessible and increasing the involvement of Aboriginal leaders in maintaining social

order and traditional values. The system should be flexible so that each community resolves disputes taking its own values into account.

Don Auger, a lawyer with the Nishnawbe-Aski Nation in northwestern Ontario, noted that the Euro-Canadian legal system had been around in Aboriginal communities in the Nishnawbe-Aski Nation treaty area only since the beginning of fly-in communities 30 or 40 years ago. He noted that almost every charge laid involved alcohol and drugs, and he asked why thousands of dollars were being spent to prosecute Aboriginal people for being drunk in a public place.

Mr. Auger outlined an Aboriginal code of justice based on research into customary ways and Nishnawbe-Aski oral traditions. This code included rules against offending the spirits as well as rules of survival and of personal behaviour; offences against the family or kin group; offences against the community (hoarding and bootlegging); and offences against the environment (waste, irreverence and over-killing). When people broke the rules, the Indian system would try to bring them back into the community to teach them about their problem, he said. Corrective measures could include gossip, shunning, shaming, and banishment, but punishment or resort to the police were seen as a last resort.

In Halifax, the Native Council of Prince Edward Island tabled a lengthy report recommending the creation of an Aboriginal Justice Resource Centre for the province. The Council's research indicated that there was little evidence or memory of Micmac customary law in P.E.I., but that Aboriginal offenders who were interviewed were looking "to be tried in a Native way."

Language was raised as being an obstacle to justice at several hearings, notably the reluctance of the court system to provide interpretation in Aboriginal languages. At Rankin Inlet, Northwest Territories, it was noted that Inuit people who could not speak English were excluded from jury duty because interpretation was not provided.

Chief Stewart Paul of the Tobique First Nation, in New Brunswick, suggested that his community would be successful in establishing a civil justice system to cover family law, marriages, adoption and personal injury but not a criminal system because of its expense and complexity. An evolutionary approach was also suggested by several Quebec intervenors. At Maniwaki, Gordon McGregor, Kitigan Zibi Police Chief, questioned whether a separate system would be viable in small communities and noted that there is a lack of Aboriginal lawyers and judges. The administration of justice should not be transferred until communities were ready, he said.

At North Battleford, Saskatchewan, Judge David Arnot described the efforts of the Battlefords Justice Advisory Council to develop a community approach to Aboriginal justice issues in partnership with the Battlefords Tribal Council and the Confederation of Tribal Nations. His group believed that the criminal justice system was flexible enough to accommodate the concerns of Aboriginal people and that, pending self-government, there was an obligation to do something about the current system.

As they had in Round One, intervenors noted the high rate of incarceration of Aboriginal people and the lack of appropriate services in correctional institutions. Commissioners visited the Battlefords Youth Centre, where 53 out of 56 residents were Aboriginal, and learned that young offenders were denied access to elders at the institution even though all of them wanted it. In Saskatoon, Theresa Holizki of the Saskatchewan Human Rights Commission noted that by age 25 a treaty youth had a 70 per cent chance of at least one stay in prison – better than his chance of finishing high school.

A number of intervenors expressed concern about the limited powers of tribal police as well as their limited funding. This was related to the question of whether police should be seen as peacekeepers – the Aboriginal view – or as law enforcers. At Davis Inlet, Chief Katie Rich noted that the Newfoundland government had refused to accredit two Innu men who had trained at the First

Nations Tribal Justice Institute in Mission, B.C., on the grounds that their training did not meet provincial standards.* Elsewhere it was noted that if Aboriginal officers were not sworn in, then police officers from outside an Aboriginal community must be brought in to situations such as family violence.

Language and Culture

One of the major themes of the first round of hearings was the importance of language and culture in the renewal of Aboriginal communities and Aboriginal pride. This was emphasized again in Round Two.

Intervenors expressed concern about the erosion of Aboriginal languages and about the limited efforts being made to pass these languages on. Many intervenors criticized the limited funding available for language instruction. They noted the small number of institutes involved in translating and preserving Aboriginal languages, as well as the shortage of resources for cultural education. They cited the strong desire in many communities to learn and preserve Aboriginal languages. Concern was also expressed that heritage, now in the hands of museums, must be returned to the Aboriginal communities from which it came.

At Maniwaki, Quebec, Pauline Decontie, an educator with the Kitigan Zibi Anishinabeg Council, expressed the importance of her language in these terms:

I once heard, from a knowledgeable elder, that when one has lost his language, he has lost 60 per cent of what it means to be Anishnabe or Mohawk or any other kind of person. It is disconcerting to think of how many “40 per cent” Anishnabe we have walking around on reserves today, and it is frightening and very sad that this includes most of our children.

* A few weeks after the Davis Inlet hearing, one of these tribal constables rescued six young people who were trying to commit suicide.

At Cranbrook, British Columbia, the Ktunaxa Independent School Society called for a national inventory of Aboriginal languages and a plan for the immediate rejuvenation of those in distress. "The Ktunaxa people speak a language that is not shared by any other people in this world," the report said. "It is of extreme importance that the continued existence of this precarious yet vital resource be assured."

A number of intervenors suggested ways of helping to protect Aboriginal languages, such as giving them official status or legal recognition or creating a national Aboriginal Languages Foundation. At Wendake, Quebec, the Montagnais Cultural and Educational Institute suggested such a foundation exclusively for the Montagnais language. At Maniwaki, Ms. Decontie said Aboriginal people would no longer accept that close to \$500 million was given to French language training in Canada while nothing was provided for the advancement of Aboriginal languages.

At Yellowknife, Jacob Feenstra, a linguist who had recently completed the first complete dictionary of Dogrib, said there were 65 Aboriginal languages in Canada but that only 5 to 15 of them had a chance of surviving beyond the middle of the next century. He said children were being discouraged by their parents from learning their language in school. Efforts were beginning to be made to save these languages, but the base of the solution lies in the heart of the people.

The threat to Aboriginal languages was also reflected in a survey reported by Anastasia Wheesk, of the Ojibway-Cree Cultural Centre in Timmins, Ontario. This survey found that the Aboriginal languages were declining, endangered or in critical state in 120 out of 181 Aboriginal communities studied.

Betty Harnum, Commissioner of Languages for the Northwest Territories – where six Aboriginal languages have official status – supported the concept of a federal Aboriginal Languages Act. Appearing in Yellowknife, she said Aboriginal people should gain from the precedents set under the

Official Languages Act and should seek to have basic services provided in the language of their communities. This concept should be broadly interpreted in areas such as health and corrections, so that people sent away to hospital or to jail are not left isolated because of their language.

Ms. Harnum stressed the difficulty of translating concepts such as those found in the law from English or French into Aboriginal languages. She called for more language training for adults as well as for children and said much of it should take place in Aboriginal communities, where there was access to elders and other people who spoke the language. She suggested there be training and recognition of Aboriginal language translators and interpreters and urged that preferred treatment in hiring be given to people who spoke an Aboriginal language.

Other intervenors made similar proposals, with special emphasis on passing Aboriginal languages on to young people. Isaac Beaulieu, Language Coordinator with the Northern Nishnawbe Education Council, recommended that Aboriginal communities use their language as a working language, that high school students teach younger students and assist at Tribal meetings as translators, and that Aboriginal languages be used in business.

In northern communities especially, concerns about language were closely linked to what kind of future Aboriginal communities should choose. At Old Crow, Yukon, there was substantial support for a return to traditional ways, both to preserve culture and for economic reasons. In Inuit communities visited by the Commission, the primary concern was to protect Inuktitut and the culture, but this was often hindered because of lack of resources. At Nain, Labrador, Henoch Obed acknowledged the value of cultural traditions and customs, but also noted the need for Aboriginal peoples to adjust to the modern world.

Spirituality and Elders

Aboriginal intervenors in Round Two again affirmed the importance of Aboriginal spirituality for the survival of Aboriginal peoples, and their desire to enhance the role of elders in Aboriginal communities. Many stressed the need for a holistic approach to the institutions of self-government and to the provision of services, to ensure that programs were adapted to traditional values and to Aboriginal spiritual values.

At Fort Alexander, Manitoba, Dave Courchene Jr., of the Mother Earth Spiritual Camp, talked of the contribution of Aboriginal spirituality. He said that, before contact with Europeans,

indigenous people had a way of life that was spiritually directed and reflected in the system of education, governance, social relationships, economics and culture. The goal of the individual in the community was to live a way of life of harmony, to balance beauty and peace with all creation.

These elements of being human, the spirit, the intellect, the body and emotions, were developed in balance with one another.... The underlying premise upon which all else was based was to recognize and develop the spirit of life within oneself and with all others in the circle of individuals, relationships, community and the land. This was achieved through concerted effort on developing the spirit through prayer, meditation, vision quests, fasting, ceremony, and in other ways of communicating with the Creator.

Mr. Courchene said the invaders from Europe had rejected the Aboriginal concept that honoured the interconnectedness of all living things. The devastation of the Americas reflected the difference between the indigenous and western way of life and led to the devastation of Aboriginal individuals and communities, breaking their connection to their spirit and to their Creator.

He suggested that an Aboriginal royal commission be set up to provide advice to Canadians on how to

care for the land and ensure a future for their children. "The assumption is always that we are the problem," he said, "but the truth is that indigenous people are the solution to what is happening in the world today."

A number of church representatives spoke to spiritual issues during Round Two. At Cranbrook, British Columbia, The Reverend Bob Kimberley, a United Church minister, noted that his church had acknowledged being closed to Aboriginal spirituality in its 1986 statement of apology. The statement went on to say:

...we imposed our civilization as a condition of accepting the Gospel....We tried to make you be like us and in so doing we helped to destroy the vision that made you what you were....We ask you to forgive us and to walk together with us in the spirit of Christ so that our peoples may be blessed and God's creation healed.

Mr. Kimberley outlined a vision of mutual respect based on the two row wampum:

Our people are interwoven in a similar way. We both share the same environment on this planet. We cannot damage the fabric of this environment without damaging each other....We are part of one whole. Any diminishment of one people diminishes all peoples. Any enhancement of one people, so long as it is not at the expense of another people, enhances all peoples.

Citing St. Paul, he looked to a coexistence of Aboriginal spirituality with a spirituality based on Greek and Hebrew cultures.

Jeff Baldwin, of the Canadian Catholic Organization for Development and Peace, called for solutions to build a solid relationship between Aboriginal and non-Aboriginal peoples, saying that the attitudes of society and of the church had contributed to destroying the culture and very identity of the continent's first inhabitants. His intervention at North Battleford, Saskatchewan, was followed by a lengthy exchange with Commission Co-Chair Georges

Erasmus, who recommended that the church foster healing through a formal statement that Aboriginal cultures and spirituality were acceptable, and that the church also make a formal apology relating to residential schools.

At Val d'Or, Quebec, Msgr. Gerard Drainville spoke about the efforts of the Catholic church in promoting reconciliation, including the Pope's visit to Fort Simpson, Northwest Territories. Following the events at Oka, he said the Catholic church had taken a number of concrete steps. Churches were encouraged to hold meetings of reconciliation, and his Diocese was trying to promote understanding of Aboriginal culture by holding meetings on the Pikogan reserve.

Sister Marie Zarowny, who spoke at Yellowknife, said the church could help rebuild the relationship by providing opportunities for Aboriginal and non-Aboriginal Canadians to meet and to develop cross-cultural spiritual awareness. It could sponsor forums for Aboriginal peoples to tell their stories and work with Aboriginal peoples in coalitions on issues of common concern, such as the environment. She said that in recognition of its need for greater awareness, the Diocese of Mackenzie had set up a Diocesan Pastoral Council to advise the bishop and that a majority of the council's members were Aboriginal.

The role of elders was spelled out at Fort St. John, British Columbia, by Cliff Calliou, from Kelly Lake Community:

It is essential that we recognize the responsibility that our elders have to the future well being of our nation. The elders have been entrusted by past generations to maintain the cultural integrity of the Aboriginal nation. They are the guardians to our traditional way of life and their knowledge will bear on all development within the Aboriginal nation.

The Kelly Lake submission proposed that elders act as senators within a traditional form of government and take a number of responsibilities through an Elders Council. These would include develop-

ing and enforcing a code of ethics for office holders in the community, protecting Aboriginal ceremonies and artifacts, investigating and resolving disputes both at the local and at higher levels, and reviewing all legislation passed by member governments. The Elders Council would also investigate and make recommendations regarding complaints against office holders.

At Cambridge Bay, Northwest Territories, James Panioyak, the community's Elders Co-ordinator, described to the Commission the traditional way of educating an Inuk child, in which the parents taught the child everything he or she had to know. He spoke about the sense of trust that was built in. As the child grew older, simple instruction and roles were reinforced and more and more responsibility granted. He spoke of how co-operation fitted in to the traditional aspects of Inuit lifestyles, noting that by their late teens, children were expected to know the hunting, sewing and parenting skills they needed to survive.

Mr. Panioyak spoke about the importance of communication between Elders and youth. He said the elders had some ideas for preserving language and culture, but that it was not easy without proper funding. James Kavanna, another elder, spoke with regret about the effects of the Inuit settling at Cambridge Bay. "We would have been better off in our own hunting ground," he said, "but [the government's] idea was it would cost them less to bring people in."

The Urban Challenge

Urban issues were again a focus in Round Two of the hearings, with an emphasis on how services should be provided to Aboriginal people in urban areas and on how municipal governments should adapt to Aboriginal rights and Aboriginal concerns.

A youth forum at the Halifax hearings gave one perspective on urban concerns. The Aboriginal participants wanted to know more about their history and culture and how to develop a sense of self-esteem and pride, but did not want to be tied to

reserves or be tied to status divisions to achieve that. They wanted to be able to live in urban areas and to have services provided on a broader basis. Some reserve-based programs should acknowledge needs of urban Aboriginal people, they said, even to the point of encouraging young people moving from their reserves into urban communities where they can find training and jobs.

In Toronto, the Commission convened a mini round table on urban issues that discussed how to make institutions more culturally sensitive to Aboriginal people. The participants – most of whom were non-Aboriginal – saw a need for change that addressed core values of services such as the police and school boards, but warned that this kind of change did not come easily because those in power were reluctant to share it. Even if Aboriginal people were invited onto the boards of mainstream institutions, they would be subtly pressured to take a non-Aboriginal perspective.

Colleen Wassegijig, a Community Liaison Counsellor with the Scarborough Board of Education, said that Aboriginal concerns needed to be dealt with in a holistic fashion, but noted that the Aboriginal population in Metropolitan Toronto was scattered and not cohesive. This makes it difficult for people to access Aboriginal services that are mainly located in the downtown core.

One issue that had not been raised in Round One was the future relationship between municipal governments and Aboriginal self-government. Claude Cantin, Deputy Mayor, Quebec City, noted that the Federation of Canadian Municipalities had recently established a task force on Aboriginal issues. He expressed concern that responsibilities for Aboriginal people would be downloaded to municipalities, and he asked that they be represented in future negotiations on self-government and land claims.

In Yellowknife, Mayor Patricia McMahon supported the concept of Aboriginal self-government but said it should not erode the authority of existing, duly elected municipal councils. She said one reason that many municipalities were questioning the idea of self-government was because they had

not been directly involved in land claim settlements. A new consensus was needed that allowed all orders of government, including the traditional Aboriginal governments, to be accommodated in the Canadian political structure. It was important, she said, to clarify the relationship between public government and Aboriginal government.

An Aboriginal mayor, Lawrence Martin of Sioux Lookout, also asked for municipal involvement in negotiations over self-government and land. This was needed to ensure harmonious co-existence and to create partnerships that could lobby for the interests of people from his area of northern Ontario.

Mayor Martin noted that Aboriginal governments had joined the municipal, provincial and federal governments the previous summer in negotiations over new hospital facilities for his region, working on an equal basis:

Nobody said anything; nobody denied it and there were no objections. I thought at the time, ‘Wow, that’s great. Somebody just made a declaration that Aboriginal government is here, and now we are negotiating on that basis.’

The question of affirmative action by municipal governments was raised at a number of hearings by the Commission as was the issue of Aboriginal representation on municipal councils. In Yellowknife, it was pointed out that no Dene had ever been elected to the city council. In Fort St. John, the oldest Aboriginal municipality in British Columbia, Mayor Stephen Thorlakson welcomed the Commission’s hearing “as a first step to opening dialogue between the municipal area of government and the First Nations peoples.” But he said it was not his council’s duty to try to ensure that Aboriginal people were represented on council.

Many intervenors from Aboriginal friendship centres expressed frustration at the problems of meeting the service needs of Aboriginal people with limited resources and funding. Brenda Genaille, of the Brandon Friendship Centre, said the centres felt like a political football and were waiting for a clear

definition of who was responsible for urban Aboriginal services. The current budget would not come close to meeting pressing needs in light of the continued migration to urban areas and increased demand for services; the federal spending cuts announced in December 1992 would make matters worse.

At Slave Lake, Alberta, Peggy Roberts said the Slave Lake Native Friendship Centre had up to 17 staff in the mid-1980s but had dropped to five core staff. Its budget had fallen from over \$1 million in 1983 to \$300,000 in the past two years because of cutbacks. She noted that the attendance at bingos in the community was largely Aboriginal, but in the sports that the bingos were funding, "you will find no Aboriginal kids because the cost of registration is too high for Aboriginal parents."

Friendship centres were offered as one model for the delivery of services in urban areas and as a step toward urban Aboriginal self-government. In Thunder Bay, Bernice Dubec, chairperson of the Native Interagency Council, suggested that this kind of council serve as a model with the support of direct transfer payments. In Brandon and Saskatoon, intervenors recommended that Aboriginal people become involved in city politics, boards and schools to ensure that their concerns are addressed. But intervenors at other hearings noted that this was difficult because the Aboriginal people who might take this responsibility are already overextended.

As in Round One, many intervenors in the second round urged that Aboriginal services in urban areas be offered status-blind. This view was not universal, however. In Saskatoon, Robert Doucette, a Métis intervenor, said the separation between Indian and Métis people was deeply entrenched after 125 years of federal policies. Métis people should therefore control the resources available for Métis services.

This view was echoed the next day by representatives of the Saskatoon Treaty and First Nations Assembly. Although advocating a self-government structure for off-reserve Aboriginal people, this group recommended that the distinction between Aboriginal groups be retained because of cultural considerations and the special relationship of treaty people with the Crown.



Land and Economy

Economic Development and Jobs

The problems of economic underdevelopment were again a major theme in Round Two of the Commission's hearings. Intervenors spoke of the daily realities of high unemployment, welfare dependency and school drop-out rates in Aboriginal communities. They contrasted the hundreds of millions of dollars that governments spent to finance resource developments sponsored by corporations with the difficulties faced by Aboriginal peoples trying to access a few thousand dollars for hunting equipment or a small enterprise. They were almost unanimous in their criticisms of government programs meant to provide training or to encourage Aboriginal business development.

The solutions put forward in Round Two focused on ways to break the economic dependency of Aboriginal people and their communities and make them more self-sufficient. Many intervenors linked self-government and expanding the land base for Aboriginal communities with economic development. Others called for grassroots programs of community economic development and for various forms of partnership with private business and with non-Aboriginal organizations. A number proposed economic strategies based on renewable resources and land; these are outlined in the next section.

In Saskatoon, the Commission was cautioned to recognize that Aboriginal societies were not homogenous, and that they spread across a range of

lifestyles from basic hunting and gathering right through to modern industrial society. Bill Hanson, a Cree and former public servant, stressed that plans for economic development should accommodate Aboriginal people who wanted to retain a traditional lifestyle as well as those who accepted the industrial model. But in Sioux Lookout, the Northern Chiefs Council argued that while traditional pursuits continued to be essential to their people's way of life, people also needed cash in the modern world:

The ability to work for a living is considered a right in the rest of Canada, we must be allowed to enjoy that right....We may not stop the white man's machine[s] but we can control them and put them to the best use of our people.

At the Merritt hearing, Chief Don Moses of the Lower Nicola Indian Band recalled how Aboriginal people had been taken advantage of by the early settlers and by the church, the provincial government and the federal government:

The federal government stood by and watched while the Aboriginal economy and culture were being destroyed, and therefore we have what I call today a welfare economy. It was a planned conspiracy against our forefathers to keep them ignorant, destroy their self-respect, rob them of their resources and a means of livelihood by unjust laws.

He noted that Aboriginal people were allowed less than 20 acres per family when reserves were created; white settlers were allowed a minimum of 360

acres per family at no cost. White settlers took the best lands, and laws were passed to bar Indians from applying for cutting rights on lands lying outside reserves. Indians were denied the right to pursue land claims in 1927; the right to hunt and fish was also denied, and Indians were not allowed the basic right to vote in federal and provincial elections.

The total sum of all of that today is we are unemployed, we are uneducated, we are imprisoned, we are poorly housed, we now have a welfare economy dependent on the very people that took advantage of us. I ask you, who had the free ride? It certainly wasn't us. It has all been at our expense.

At Merritt, intervenors described how five First Nations had drawn together to form the Nicola Valley Tribal Council in the 1970s, with economic development as one of the major objectives. Tourism, education and light industry are the current priorities but the community's unemployment rate is still over 30 per cent. They offered a series of recommendations including the settlement of land claims, improved access for small businesses to public and private sources of finance, resourcing of Aboriginal tourism groups to work in the British Columbia tourism industry, and revival of federal rural development programs that were developed in the 1960s.

One concern raised at Merritt was that Aboriginal capital corporations were too small to be able to offer competitive interest rates. In addition, officials from the All Nations Trust Company said the company had received no tax advantages as an Aboriginal-controlled corporation. It was seeking a new charter as a non-profit organization because its tax burden was so high.

At Cranbrook, proposals from the Ktunaxa/Kinbasket Tribal Council focused on the use of taxation to encourage Aboriginal economic development. The Council called for special tax-free zones on reserves to promote business along with the creation of an employment tax credit and a system of fiscal transfers from the federal government aimed at equalizing standards of living. Taxation

powers of Aboriginal governments should also be enhanced so they could be used as instruments of economic development.

Sophie Pierre, the Council's administrator, noted the problems experienced by Aboriginal entrepreneurs who are denied credit because they cannot offer land as collateral. She recommended that the *Indian Act* be abolished and a business program put in its place that emphasizes independent business development.

At the same hearing, Joe Nicholas of the Columbia Lake Indian Band focused on the land management practices of the Department of Indian Affairs and Northern Development, which he described as a nightmare. He said the Department's policies had benefited non-Aboriginal land developers while inhibiting initiatives from the Aboriginal community, and that development standards were ignored because the Department failed to monitor the terms of lease agreements. He said First Nations should control development of their lands with federal economic support.

At Uashat, Montagnais intervenors spoke about the dilemmas faced by their community in trying to promote economic development. They spoke of the problems involved in locating a corporation on the reserve and of having to depend on the band council as the only Aboriginal organization recognized by the government. Projects were frequently compromised by administrative delays and lack of capital. Most of the community's funds went to social development and little was left for economic development.

The Montagnais urged that First Nations be liberated from the constraints imposed by governments by restoring full self-government and an unequivocal right of access and control over resources and land. Financial and other Aboriginal enterprises should be encouraged both on and off reserves, and Aboriginal projects should be facilitated as part of an overall program of regional development.

A number of intervenors urged that economic development be culturally appropriate and reflect

Aboriginal traditions and values. This was spelled out by Simon Brascoupé when he appeared at Maniwaki. He said that the restructuring of economic institutions was a burning issue in Aboriginal communities and that alternatives had to be found to traditional western corporate organization. One alternative was for a business to consult with elders, but a variety of alternatives should be considered in the future.

Mr. Brascoupé noted that the local economy on many Indian reserves had changed dramatically in recent years. At the Kitigan Zibi Anishnabeg reserve, near Maniwaki, more than 90 per cent of the people employed were in the primary sector 25 years ago, but today 85 per cent of the community work in the service sector. He estimated that only 10 per cent of Aboriginal purchases are made within Aboriginal communities, and he recommended that the local economy be developed as an instrument of growth.

Intervenors in Quebec were uniformly critical of the federal Department of Industry Science and Technology and the Canadian Aboriginal Economic Development Strategy which it launched in 1989. In Val d'Or, Steeve Mathias of the Algonquin Economic Development Association recalled that this strategy was introduced as a long-term plan that would encourage autonomy and allow Aboriginal people to determine their own priorities. Three years later there had been no improvement in the Algonquin community's unemployment rate, its infrastructure was still non-existent, and not one enterprise had been created through the program.

At Wendake, Germain Paul of the Quebec Aboriginal Training Institute said that Aboriginal people were completely excluded from the decision process in the Industry ministry and that its Montreal office showed a cavalier attitude toward Aboriginal initiatives. He urged that its operation be moved closer to the Aboriginal communities being served and that an advisory board be created for Quebec, made up of Quebec Aboriginal people.

A model of economic development that impressed the Commission was the loan fund for micro-

entrepreneurs which LaShelle Brant described in Toronto. Under the First Peoples Fund of Toronto, borrowing circles had been established in 12 Aboriginal communities and there had been no defaults. All participants in the circle were responsible for the loans, which were used to create work or establish small community enterprises. Ms. Brant said that, in order to work, this kind of community program must be seen as owned by the community, and that the private sector should be involved in the loan fund to ensure its integrity.

Several intervenors pointed to the impact of gambling as a tool for economic development on First Nations reservations in the United States. Carl Roberts of the Roseau River First Nation described how his community was following the same strategy with the establishment of a gaming industry. The community had adopted a Gaming Act under band custom and took the position that its activity was outside the jurisdiction of federal or provincial laws. The community expected that gaming would serve to kick-start other forms of economic development. At Fort Alexander, the Sagkeeng First Nation took a similar position during a round table which included Manitoba gaming officials.

In New Brunswick, Chief Stewart Paul, of the Tobique First Nation, described the progress of his community in the last three years, including the revival of its school, paving of roads, building of new homes and opening of a sports complex. Tobique was helping to pay for these ventures through high-stakes bingo, even though this contravened provincial law.

The idea of partnership and of co-management was put forward at a number of hearings, particularly with respect to natural resources. Commissioners took particular interest in a project described by the Sioux Lookout Chamber of Commerce, Ontario, in which the Chamber was paired with community leaders from the Big Trout Lake reserve. One of the concepts emerging from their meetings was that Aboriginal people should be "keepers", and not just consumers, of wealth coming into their reserves.

Many intervenors were upset by the way Canadians accepted 90 per cent unemployment rates in Aboriginal communities when they would not accept them for the rest of Canada. This view was expressed at La Loche, Saskatchewan, where there was also concern that outsiders held most of the community's full-time jobs while local people did seasonal labour.

A strong interest in grassroots development was expressed in the Métis communities of La Loche and Ile-a-la-Crosse. The mayor, Buckley Belanger, warned that economic development was vital because the cost of social dependence in northern Saskatchewan could otherwise amount to \$1 billion a year by the year 2000. He proposed the creation of a northern development fund financed through tax revenues from mining. At Buffalo Narrows, Saskatchewan, another Métis intervenor recommended that economic development in areas such as wild rice farming, fishing and outfitting be limited to residents who had lived in the North for at least 15 years or half their life.

At Fort Alexander, Denise Thomas, a Vice-President of the Manitoba Métis Federation, Southeast Region, identified the lack of a Métis business community and a lack of management and technical skills to explain why the Métis economy was not improving. Capital was also hard to find because Métis were viewed as high risk clients by banks and credit unions. She noted the creation of the Louis Riel Capital Corporation as a source of loans and guarantees for Métis in Manitoba, but said that its interest rates were still a problem. Set-aside contracts should be available through government in order to provide a market for Métis-owned firms, following a successful precedent used to help minority-owned businesses in the United States.

Another approach came from the Métis community of Manigotagan. It proposed that local Aboriginal governments be allowed to operate as profit organizations and have control over natural resources in order to create a sustainable economy. Provincial responsibilities should be passed down to these local governments, acting with the support of the

Manitoba Métis Federation. Private entrepreneurship should be encouraged within this framework.

In northern Canada, Inuit and Innu intervenors echoed the concerns for economic development raised at the southern hearings. These included high unemployment, limited access to equity and capital, the need for more training and a desire for more grassroots development. High transportation costs and the problem of dealing with government agencies located at a distance were identified as problems specific to the North.

Intervenors spoke of the need for an Inuit credit union but said there was a lack of financial support from the territorial government. Opportunities were identified in areas such as tourism, outfitting, and processing of caribou and other game.

At Nain, Fred Hall of the Labrador Inuit Development Corporation said the problem for his community was not needing more land or resources, but the right to a fair share of the resources already in place. He noted that the Labrador Inuit had control of only 850 tons of a 30,000 ton quota of northern shrimp and that they had received no allocation of cod when stocks were abundant. A freeze on building new fishing vessels had blocked their access to groundfish, and the Corporation's plans to develop a quarry were delayed for a year before it could get around processing restrictions imposed by the Newfoundland government.

Mr. Hall said there seemed to be a structured policy to shut Labrador people out of these resources in order for people in the south to become richer. He asked that the strings be loosened and government restrictions on the Labrador Inuit removed.

Intervenors from the Innu Nation maintained that there should be a moratorium on new resource development until their land claim is settled, and that no project should go forward without their consent. A number of non-Aboriginal intervenors at Cartwright objected, citing proposals for a sawmill and for long-distance snowmobile trails that would



have provided jobs but had been stopped because of the Innu claim.

A number of intervenors called for an affirmative action approach to help Aboriginal economic development. This was suggested with respect to individuals and Aboriginal companies and also proposed as part of government programs for regional development.

At Roseau River, members of the Aboriginal Advisory Council of Manitoba's Civil Service Commission shared the results of an extensive survey on Aboriginal employment in the Manitoba government. This study concluded that employment equity was not yet a fact and that racism and discrimination continued to exist in many forms within the civil service. Aboriginal employees had high turnover and low-ranking jobs, and they were chronically under-represented in the civil service compared to the population at large.

The Advisory Council noted some success stories that were based on supportive work environments, the opportunity to fill positions on an acting basis, on-the-job training, career development plans, and supportive managers. Its recommendations included a mandatory Aboriginal awareness program for all civil servants as part of a strategy to combat racism, and increased representation of Aboriginal people in decision-making management positions. The Council said change requires active involvement and input from Aboriginal people.

Natural Resources

Several intervenors saw natural resources as a key element in Aboriginal economic strategy. The recovery of control over resources and traditional lands was linked in many presentations to demands for self-government, respect for treaties and honouring land claims.

At Merritt, Chief David Walkem of the Cook's Ferry Indian Band called for a larger land base for his community and for shared management and control of all natural resources within its traditional territories. This should be done through the

development of interim partnership agreements. Agreements with existing industries should follow in order to improve employment and Aboriginal participation in the economy. He said:

My vision of the future has our Nlaka'pamux people being in control of our own people, lands and resources and being equal partners, sharing in the planning and benefits of the future development of this country called Canada.

In Yellowknife, Joe Handley presented a brief on behalf of Honourable Titus Aloooho, Minister of Renewable Resources in the Northwest Territories government. Mr. Aloooho contended that the key to survival of Aboriginal people in the Northwest Territories and to the creation of a more diverse and stable economy lies in the renewable resources of the North. By restoring wealth to Aboriginal people, Aboriginal communities would again become self-reliant and strong.

He emphasized the need to involve residents in resource decisions, including the use of traditional knowledge through hunters, trappers and elders. For this reason, the Northwest Territories has made renewable resources management boards a component of all land claims agreements as a means of ensuring local control. The Inuvialuit final agreement had gone one step further by requiring that all communities develop conservation plans to govern the use of resources.

For the future, the Northwest Territories is seeking to expand the renewable resources sector of the economy as an alternative to development based on mining and oil, Mr. Aloooho said. These ventures are particularly well suited to the environment of small Aboriginal communities and allow residents to continue with traditional life styles. He suggested that new forms of economic support, such as a subsidy for fur pelts, be considered if they provide social and cultural benefits and reduce the cost of welfare and government services.

There was consensus in Round Two that Aboriginal people should be partners or co-managers in deci-

sions about the use or development of resources. Some intervenors saw this as an alternative, with total control of resources on Aboriginal lands preferred, but co-management was frequently advanced as a first choice. Richard Krehbiel, a British Columbia government official, supported the need for dialogue and for co-management but cautioned that for non-Aboriginal people, this could change the nature of development. At Fort St. John, he said:

Our priorities are not necessarily First Nation priorities. It is our turn to learn patience. We could well learn that there is no dishonour in slowing down or in responding to other's priorities or in waiting till the time is right. We must look for what is possible and make it happen.

The Barriere Lake Forest Management Agreement in Quebec was hailed as a model for co-management, but intervenors in western Quebec were bitter about the province's refusal to honour the commitments it had made. Under the trilateral agreement, the Barriere Lake Band joined with the federal and Quebec governments to carry out an integrated management plan covering 10,000 square kilometres of traditional territory in La Verendrye Park. After signing, however, Quebec continued to issue forestry licences that violated the terms of the agreement.

Clifford Lincoln, special representative for the Barriere Lake First Nation, urged that the Commission review the project as a test case. He also recommended that the territory in question be removed from the jurisdiction of the Quebec Minister of Forests and placed under a special management regime.

Quebec's resource policies were also questioned at Manouane by the Mamo Atoskewin Atikamekw Association. It said Quebec had committed 90 per cent of the area's forest resource in long-term forest agreements, with no conditions to protect Aboriginal use. This practice threatened the activity of trappers and the right of the Atikamekw to manage the wildlife resource. The Association said it was seeking co-management agreements with

the forest companies, but no commitments had yet been made.

Some non-Aboriginal intervenors supported the concepts of partnership or of co-operation with Aboriginal peoples, while others were more reticent. At Fort St. John Michael Low, a manager with Weyerhaeuser Canada, said the company had entered into protocol agreements with the Nicola Valley First Nations regarding employment goals, silviculture and the possibility of joint ventures. He said the company was committed to increased contact with Aboriginal people and to the integration of Aboriginal people at both the labour and management levels.

In Saskatoon, J.P. Nicolette, President of Total Minatco Ltd., described the efforts his company was making to create Aboriginal employment in its development of a new uranium mine in northern Saskatchewan. The company planned to provide on-the-job training and hoped that 100 of its 250 employees would be Aboriginal. Mr. Nicolette recommended that government and resource companies become involved in direct revenue sharing to assist Aboriginal communities.

In Yellowknife, representatives of the Northwest Territories Chamber of Mines said that the mining industry was beginning to support affirmative action because it was learning that this was good business. They said "benefit agreements" should be negotiated between companies and Aboriginal communities, setting out what both sides wanted and how to resolve problems. Companies need the support of communities to provide social support for employees and their families.

But in Timmins, non-Aboriginal panelists at a forum on resource development complained that governments were taking away the mining industry's right to title in Northern Ontario. They said that companies were considering transferring operations to countries such as Chile because of the effect of land claims. Don McKinnon, a prospector, said in a written brief that resource development throughout the region had effectively been frozen because Ontario was requiring written agreement

from neighbouring First Nations before development outside of urban areas could proceed.

In Yellowknife, Lawrence Schollar, of the Northwest Territories Wildlife Federation, questioned Aboriginal hunting and fishing rights. He said equality and fairness should be the focus, and there should be a clear distinction between true subsistence hunting and hunting by an Aboriginal person who was fully employed elsewhere.

A number of intervenors expressed concern about the exploitation of resources and its effect on Aboriginal rights and lifestyles. At Fort St. John, British Columbia, the negative effects of proposed water diversion, seismic activities and herbicide spraying were repeatedly raised as was the issue of clear-cutting of forest limits within the Treaty 8 territory.

Reg Whiten said that the Treaty 8 First Nations were planning to develop conservation and harvesting laws and a tribal justice system. He noted that governments continue to give out permits on Treaty lands for logging, mining, resource roads and other developments; the promise of the treaty to protect the indigenous people's way of life has been consistently ignored.

Sharon Venne of the Saulteaux First Nation said that British Columbia had, illegally and without authority, given out trap lines in Treaty 8's traditional territory. She called for the removal of all registered trap lines granted by the province. She said indigenous people had never consented to the licences and should not be obliged to compensate for their removal.

In northern Saskatchewan Métis intervenors were resentful of the impact of government restrictions. Max Morin noted that Indian and Métis people had hunted and fished together in the region for 200 years, but now Métis people were charged if they hunted with their treaty brothers and sisters.

In a discussion with the Commission at Buffalo Narrows, Saskatchewan, one participant said it had taken him eight years to get a licence to raise bison;

a neighbour had been waiting for 10 years for permission to use Crown land to raise potatoes. As Pierre Chartier put it, "governments always say that we should start up some type of industry so that we can be self-sufficient, but when we attempt to start up some business there are all kinds of roadblocks and red tape put across our paths."

At La Loche, Marie Grehan of the Métis Society in Pinehouse provided figures showing the importance of traditional activities to her community's economy. A comprehensive harvest study found that people in the community drew 35 per cent of their total income from the bush and from wild meat, fish and berries, 31 per cent from wage employment, and only 11 per cent from welfare.

She recommended that northern communities be given an immediate land use right to manage the resources of areas lying close by, using the areas of land already allocated to each community for trapping under the trapping block system. This would give northern communities the same role in land use development as that played by planning committees in southern municipalities, she said. The plan could be implemented without having to wait for land claims to be settled.

The Environment and Aboriginal People

In Round Two, specific concerns related to the environment were generally placed in the context of respect for the land and responsibility for future generations. Many issues related to resources and economic development having environmental implications.

At Old Crow, Yukon, where archaeologists have discovered prehistoric artifacts dating back 20,000 years, the Commission received this message from Grafton Njootli:

How did Vuntut Gwitchin survive? Because they only borrowed the land from generation to generation. And this was not to be disturbed.

The water must be kept clean. The land not disturbed. Animals managed according to Indian custom. Absolutely no one has the right to change and leave a mess for the future Vuntut Gwitchin. This is a fundamental principle of survival to the First Nation.

At Merritt, British Columbia, Chief Fred Holmes of the Upper Nicola Band spoke of the need for a holistic perspective about the environment:

Good health is a balance of physical, mental, emotional and spiritual elements. Good health is ours when we live in a balanced relationship with the earth and the natural world. Everything we need has been provided by our common mother, the earth. Whole food, pure water and air, medicines, the laws and teachings which show us how to use these things wisely.

John Zahradnik, who also appeared at Merritt, stressed that the fate of the environment, of Aboriginal people and of the larger society was all the same. Expectations were rising and could not be sustained. He said that solutions required a reduced standard of living, but that there is hope in the adoption of an Aboriginal land ethic.

The problems that industrial development can create for an Aboriginal community were spelled out in a round table at the Sagkeeng First Nation hearing in Manitoba. Chief Jerry Fontaine noted that the nearby Abitibi Price mill had dangerously polluted the Winnipeg River which runs through the reserve, and that Abitibi had shown no regard for First Nation hunting, trapping and spiritual areas. The Fort Alexander First Nation intends to seek compensation for damages.

In reply, Glen Pinnell, local manager for Abitibi, stated that the mill did adhere to environmental regulations, although he admitted there had been problems in the past. Abitibi is spending \$25 million on environmental improvements as part of a planned renovation. The plant also complies with provincial harvesting regulations, he said.

Mr. Pinnell said that the mill brought \$3.5 million in economic benefit for Aboriginal people. George Munro, for the First Nation, said that after 60 years of operation Abitibi had 20 Anishnabe – at most – in a workforce of 1,000 employees. Institutions had to be made responsible for their actions, but this was not going to happen automatically.

At Wendake, Quebec, Raymond Laliberté, of the Comité d'Appui aux Premières Nations, urged that the impact of mega-projects on the natural environment and on Aboriginal economy be considered before they are allowed to proceed. He said that the land flooded by the James Bay hydro developments had sustained 80 per cent of the resources used by Aboriginal people in their traditional activities, although it made up just 5 per cent of area of the affected watershed.

Mr. Laliberté proposed that the proposed Great Whale hydro-electric project be examined in the context of sustainable development, and that any decisions should be made jointly with Aboriginal people on a basis of equality. He said a project like Great Whale is premature because there was not enough experience of previous mega projects to determine how much capacity the ecosystems in the area have left. The right of First Nations to exist should be considered as a valid reason for limiting development or for slowing it down.

Two environmental issues were raised in northern Canada. At Rankin Inlet, Joan Scottie of the Baker Lake Concerned Citizens' Committee presented a comprehensive statement in opposition to the proposed Kiggavik uranium mining project, which Baker Lake residents had overwhelmingly opposed in a plebiscite. She linked the potential effects of the mine to the Inuit way of life: "If anything happened to the caribou, we Inuit would have nothing left but welfare. So our clean environment means everything to us."

Ms. Scottie recommended that environmental assessments be made on a cumulative and region-wide basis rather than just for a small territory. "Let's stop pretending that we can look at projects

like Kiggavik or Great Whale in isolation from other developments in the region," she said. "Let's all think like Inuit."

Environmental assessment panels should be given an open mandate, she said, noting that the terms of reference for the Kiggavik review had excluded issues such as Aboriginal rights. Health concerns of Aboriginal communities must be respected as must the views of Aboriginal representative organizations.

At Nain, Judy Rowell, Environmental Adviser to the Labrador Inuit Association, said Inuit in Labrador are excluded from government policies and programs designed for the Arctic because they live south of the 60th parallel, even though the conditions and environmental risks are the same. She cited the environmental protection for Arctic waters that had been designed to protect Inuit interests, and the government's recent Arctic Environmental Strategy.

She also noted that Quebec Aboriginal people would have some priority role in the federal environmental review of low-level flying over Labrador because of the James Bay Agreement, but that the Labrador Inuit had no special status at all.

Rebuilding the Relationship

Comments in Round Two on the relationship between Aboriginal and non-Aboriginal Canadians focused on the need for equality, dialogue, education, mutual recognition, and respect. These themes were advanced by people from both groups, but there was also a distinct difference in their approach.

Aboriginal intervenors put a priority on resolving the issue of self-government, creation of a land base or settling land claims, respect for treaties, and repeal of the *Indian Act*. Many non-Aboriginal intervenors accepted this approach, but they had far more to say about the quality of the future relationship that should be created. Some non-Aboriginal intervenors expressed misgivings about Aboriginal demands.

Aboriginal Approaches

Frank Bruyère, representing the United Native Friendship Centre of Fort Frances, Ontario, took this approach to the need for reconciliation between the two groups:

It is imperative that greater dialogue occur amongst all segments of Canada's population if we are to ever understand the issues we are fighting for. The lack of such dialogue is perhaps the major factor for the rejection of the Charlottetown Accord.

The future lies within the teaching of our elders and our ability to return to the values, beliefs and traditions of our ancestors. This is not to say that we must forego formal edu-

cation or return to our days as gatherers and hunters. It means we must learn to respect ourselves and each other. We must be compassionate and forgiving towards those who, through ignorance and greed, have attempted to destroy us as a nation and as a people.

At Timmins, Ontario, John Cheechoo, an adult student in social services, gave an Aboriginal view of a new relationship based on equality and the acceptance of diversity;

Balance between our two cultures does not mean that one dominates over the other. Nor does it mean that one culture is expected to adopt the other. Balance does not mean that one culture sees the other as helpless. Balance between our two cultures does not mean that one is expected to give in and then follow the other. Ultimately, balance does not mean that one culture will be like the other. As in the natural world, there are many and different elements. They are not the same, but they are in balance.

Max Gros-Louis, former Grand Chief of the Huron-Wendat Nation, said the relationship between the two peoples should continue to be based on the principles of the two-row wampum in which the two peoples travel together without either of them trying to control the other. He looked to a new relationship between equals based on a form of Aboriginal citizenship. He suggested that Aboriginal rights should be entrenched in an Aboriginal constitution rather than in the constitution of another country, Canada. Aboriginal people "do not want to

wear boots made in Ottawa or shoes made in Quebec, but our very own moccasins."

The same desire for a new approach was expressed by Jocelyne Gros-Louis, the current Grand Chief of the Hurons. "Canada should step back and realize that Aboriginal peoples don't want Canada to keep 'giving' them things," she said. "What we want is for Canada to give us the support we need in order to regain our own strength, so that we can once again take the right road to our own empowerment."

Stephen Kakfwi, Minister of Justice and Aboriginal Affairs for the Northwest Territories, cautioned that rebuilding the relationship between the two peoples require more than just moving resources and legislation, and that healing is also involved.

Several Aboriginal intervenors said governments should stop spreading a falsely negative and degrading image of Aboriginal people. They complained about being overlooked in the media and falsely represented in history texts, and they called for initiatives in cross-cultural training and education. Kathryn Fournier, of a United Church support group in Toronto, urged that the federal government raise awareness of Aboriginal peoples through television commercials and by enclosing information with government cheques.

Non-Aboriginal Approaches

Much of the hearing at Wendake, Quebec, dealt with the relationship between Aboriginal and non-Aboriginal peoples. Alain Bissonnette, of the University of Ottawa's Human Rights Centre, shared the image of the two-row wampum used by other intervenors but noted that, at present, Aboriginal and non-Aboriginal societies were joined without being equal.

Mr. Bissonnette said that institutions needed to be created that would help to create genuine reconciliation in which neither side was victim or oppressor.

Peace can be built only by relying on the relentless presence of two parties who prefer sharing to exclusive appropriation, invention to the repetition of what is already known, and prosperity to the annihilation of the other.

François Trudel, an anthropologist at Laval University, urged acceptance of the principles of mutual knowledge between the two societies, mutual recognition and mutual respect. He emphasized the need for research into Aboriginal institutions and life prior to contact as a means of developing mutual understanding. Non-Aboriginal people should try to abandon their traditional ethnocentric beliefs and recognize the right of Aboriginal peoples to difference and to diversity. He was cautiously optimistic about the process of what he called "decolonization", but he warned that the reversal of the established relationship between a dominant and a dominated society would take a long time.

Bernard Arcand, also an anthropologist, urged that non-Aboriginal Canadians take advantage of the Aboriginal perspective in trying to resolve their common problems. There were lessons from the Iroquois Confederacy that were pertinent to the Constitution; the practices of the Montagnais were relevant to the relationship between women and men; and the potlatch societies of British Columbia offered an alternative to the economic values of non-Aboriginal society.

Another Laval anthropologist, Bernard Saladin d'Anglure, took up the theme of what non-Aboriginal people could learn from Aboriginal values and knowledge. He urged that greater emphasis be given to integrating Aboriginal identities, place names and Aboriginal languages into Canadian society. This should also include Aboriginal concepts of time, which are more in harmony with nature, and the holistic Aboriginal notions of health and well-being.

Claude Cantin, Deputy Mayor of Quebec City, noted that his city had co-operated with the Hurons to the extent of agreeing on several occasions to

expand their reserve. He saw the basis for a future relationship in the concept of co-management which was being developed for wildlife resources.

When white society recognizes the Aboriginal right to be different – which it has done – and Aboriginals in their turn accept that they will not live completely apart from that society, reconciliation of different points of view will be possible.

Many of these themes were also raised at other hearings. In Val d'Or, Msgr. Gerard Drainville, Bishop of Amos, read excerpts from a pastoral letter prepared by the Quebec Catholic Bishops in September 1992. It acknowledged that there were many reasons for frustration in the relationship between the two peoples, such as delays in negotiations, decisions made without sufficient consultation in advance, and the opposition of two different visions of land, based on development as against ecology and autonomy.

Solving the Aboriginal question required fundamental rethinking of the underlying policies that related to Aboriginal people, the bishops said in their letter:

Neither of the two groups can decide what is good for the other and neither can defend its rights while ignoring the rights of the other. To achieve a common objective, the parties should not just consider their rights but should also be acutely conscious of their responsibilities.

At Maloitenam, Quebec, Msgr. Henri Goudreault, Bishop of Schefferville and Labrador City, spoke of what non-Aboriginal peoples could learn from the enduring spiritual strength of Amerindian cultures. He said a growing number of non-Aboriginal peoples were joining with Aboriginal peoples in questioning the violence and materialism that characterized western society. The forces emerging for the future focused on ecology, holistic development, human rights, women's rights, and solidarity with the poor.

Don Imbeau, appearing in Kenora, Ontario, made an eloquent statement for equality in the relationship between different peoples:

Four children approach the mirror of life: white from the north, red from the east; yellow from the south, and black from the west. They join hands and, together, they look into the glass and see the Creator. This is the future I want.

Non-Aboriginal intervenors acknowledged that the idea that Aboriginal people would become assimilated into non-Aboriginal Canadian society was no longer valid. In Thunder Bay, Dr. Douglas West of Lakehead University spoke of the relationship between the two peoples as being permanent, but also evolving.

"We must realize that there is no end to the interpretation of agreements. There is never any final solution," he said. It is totally unrealistic to expect the culture of Aboriginal people to be frozen in time. Non-Aboriginal people should accept that First Peoples can make their culture whatever they wanted and still remain distinct societies. Non-Aboriginal people should also be tolerant and accepting of political and social agendas that are not of their own making.

At Yellowknife, Maureen O'Hagan told the Commission how she had chosen to become a student in Native Studies at Arctic College in order to expand her knowledge of Aboriginal cultures, history and issues. As she saw it, "the best hope for First Nations people and all other Canadians who live in this country demands that we establish a mutually beneficial, inter-dependent relationship. We must build our country on the best elements of all cultures."

A number of intervenors spoke of the need for education and for greater understanding between the two peoples. Non-Aboriginal organizations such as the Manouane Chamber of Commerce, the Val d'Or Chamber of Commerce and the United Way in Timmins described recent initiatives to involve

Aboriginal people in their work or to encourage cross-cultural contact. Author Boyce Richardson suggested that non-Aboriginal Canadians step back for a while:

I think Canadians have given more than enough advice to Aboriginal peoples on what they should and shouldn't do. We've been so free with our advice that we even codified our prejudices and our limited knowledge of Aboriginal life into a multitude of Acts of Parliament, which have, as surely everyone must admit, produced a complete disaster.

Only a small number of non-Aboriginal Canadians expressed open concerns during Round Two about seeing a new relationship created between the two peoples. Some expressed fear that non-Aboriginal people would be excluded if self-government were exclusively by and for Aboriginal people.

In Timmins, prospector Don McKinnon said non-Aboriginal people in northern Ontario felt threatened by the concept of Aboriginal self-government because they did not know how it might affect their rights. He felt that the non-Aboriginal concept of individual rights was incompatible with the Aboriginal concept of collective rights.

This concern was expressed as a fear of taxation without representation by non-Aboriginal lease-holders in a trailer park owned by the Musqueam Indian Band in British Columbia, and governed by the band council. At Wendake, Quebec, Deputy Mayor Cantin spoke of the need to guarantee the political rights of non-Aboriginal people who found themselves living in Indian territories when self-government became a reality. He noted that it is common in modern states to have formal mechanisms to protect minorities against the tyranny of the majority.

Appendix 1

Schedule of Public Hearings – Round Two

Slave Lake, Alberta <i>October 27, 1992</i>	Rankin Inlet, Northwest Territories <i>November 19, 1992</i>
Thunder Bay, Ontario <i>October 27, 1992</i>	Uashat, Quebec <i>November 19, 1992</i>
Saskatoon, Saskatchewan <i>October 27-28, 1992</i>	Fort St. John, British Columbia <i>November 19-20, 1992</i>
Kenora, Ontario <i>October 28, 1992</i>	Maliotenam, Quebec <i>November 20, 1992</i>
High Level, Alberta <i>October 29, 1992</i>	Nain, Labrador <i>November 30, 1992</i>
North Battleford, Saskatchewan <i>October 29, 1992</i>	Val d'Or, Quebec <i>November 30-December 1, 1992</i>
Fort Alexander (Sagkeeng First Nation), Manitoba <i>October 29-30, 1992</i>	Davis Inlet, Labrador <i>December 1, 1992</i>
Tobique, New Brunswick <i>November 2, 1992</i>	Sioux Lookout, Ontario <i>December 1-2, 1992</i>
Toronto, Ontario <i>November 2-3, 1992</i>	Cartwright, Labrador <i>December 2, 1992</i>
Cranbrook, British Columbia <i>November 3, 1992</i>	Maniwaki, Quebec <i>December 2, 1992</i>
Halifax, Nova Scotia <i>November 3-4, 1992</i>	Manouane, Quebec <i>December 3, 1992</i>
Merritt, British Columbia <i>November 5, 1992</i>	Big Trout Lake, Ontario <i>December 4, 1992</i>
Gander, Newfoundland <i>November 5, 1992</i>	Yellowknife, Northwest Territories <i>December 7-10, 1992</i>
Timmins, Ontario <i>November 5-6, 1992</i>	Ile-a-la-Crosse, Saskatchewan <i>December 8, 1992</i>
Cambridge Bay, Northwest Territories <i>November 17, 1992</i>	Roseau River, Manitoba <i>December 8, 1992</i>
Old Crow, Yukon <i>November 17, 1992</i>	Buffalo Narrows, Saskatchewan <i>December 9, 1992</i>
Wendake, Quebec <i>November 17-18, 1992</i>	La Loche, Saskatchewan <i>December 10, 1992</i>
Whitehorse, Yukon <i>November 18, 1992</i>	Brandon, Manitoba <i>December 10, 1992</i>

Afterword

Verbatim transcripts of the second round of hearings were prepared as they were for the first. To make them more widely accessible to the public, these transcripts, along with those from the first round, have been published in electronic format. The sets of diskettes come with an English-language software package that is easily installed and that permits access to and searching of the data files. This electronic publication is available for purchase through Libraxus Inc., 221 Patterson Avenue, Ottawa, Ontario, K1S 1Y4, telephone/facsimile (613) 567-2484.

To increase public access, the transcripts in electronic format have also been provided to the main branch of the library in each provincial/territorial capital.

Hard copies of the transcripts are also available for purchase from Steno Tran, 1376 Kilborn Avenue, Ottawa, Ontario, K1H 6L8, telephone (613) 521-0703.

Should any member of the public wish to comment or provide advice on the issues in the Commission's mandate, they can do so by writing to the Royal Commission on Aboriginal Peoples, Information Management Unit, P.O. Box 1993, Station B, Ottawa, Ontario, K1P 1B2. Such advice will be brought to the attention of Commissioners and considered by them in their deliberations.

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